

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF NEW YORK

UMG RECORDINGS, INC., et al.,

Plaintiffs,

- against –

MARIE LINDOR,

Defendant.

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Case No. 05 CV 1095 (DGT)(RML)

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Defendant.

STIPULATION

In connection with the hard drive mirror imaging procedure (the "inspection") of the computer hard drive located in Defendant's home (the "hard drive"), the parties hereby stipulate and agree as follows:

- 1. The inspection shall take place at [time] on [date] at offices of Vandenberg & Feliu, LLP, Suite 1502, 110 East 42 Street, New York, NY 10017, or such other date, time, and place to which the parties shall mutually agree.
- 2. The parties shall bear their own costs and expenses for the forensic inspection, except that Defendant shall pay to Plaintiffs the sum of \$100 for the purchase of a hard drive. The \$100 payable by Defendant shall be recoupable as a taxable disbursement should Defendant prevail in this action. All other costs incurred by either party for the inspection shall be recoupable to the extent allowable by the rules and practices of the United States District Court, Eastern District of New York, the Copyright Act, the Federal Rules of Civil Procedure, and any other applicable rules, statutes, and/or cases.
- 3. The individual performing the mirror imaging procedure shall make two identical mirror images of Defendant's hard drive, using a procedure that in no way alters, impairs, or damages the contents of Defendant's hard drive.

- At the conclusion of the inspection, a representative of Defendant shall choose 4. and take possession of one of the two above-described identical mirror images and that image shall serve as Defendant's mirror image.
- 5. Plaintiffs and their consulting and/or testifying experts shall use the information obtained from Defendant's hard drive only for purposes of this lawsuit and agree to maintain the confidentiality of any and all information and data on such hard drive.
- 6. Nothing herein shall be construed to affect the admissibility of information obtained from Defendant's hard drive at any court proceeding related to this matter,

Dated: June ___, 2006.

VANDENBERG & FELIU, LLP

HOLME ROBERTS & OWEN LLP

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(a) Within days of the inspection, Plaintiffs shall notify Defendant's counsel in writing as to whether or not they elect to reserve the right to use any of the results of the inspection at trial. (b) If they elect not to do so, they shall within days thereafter provide Defendant's counsel with an affidavit that all copies of the hard drive have been reformatted and/or destroyed, and that all information contained thereon has been destroyed. (c) If they elect to do so, they shall within

days thereafter provide printouts of all information which they reserve the right to use at trial, and within thereafter shall identify and make available for deposition in this district all persons involved in making or in analyzing the mirror image, and duly licensed working copies (as opposed to source code) of any software used in analyzing the mirror image, or to be used at trial. (d) The failure to comply with (c) shall bar the use of any results of the inspection for any purpose whatsoever