Exhibit J

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November 27, 2006

BY ECF AND TELECOPY
Hon. Robert M. Levy
U.S. District Court, Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: UMG Recordings, Inc. v. Lindor, No. 05 Civ.1095 (DGT)(RML)

Dear Magistrate Judge Levy:

We write on behalf of plaintiffs in response to Mr. Altman's November 21, 2006 letter to you. Although it is somewhat unclear, we read Mr. Altman's letter as a request for a conference with the Court. For the reasons set forth below, plaintiffs join in that request so that the Court can set a briefing schedule for a motion to compel. Although plaintiffs do not read it as such, to the extent that Mr. Altman's letter seeks to have the Court quash the subpoena at issue without giving plaintiffs an opportunity to move to compel – or, at a minimum, file an opposition to a fully-briefed motion – plaintiffs object. The evidence sought by the subpoena at issue is critical to this matter, and plaintiffs will be filing a motion to compel. In that respect, plaintiffs ask the Court to set a briefing schedule for that motion so that it may proceed in an orderly fashion. In the interim, plaintiffs respectfully request that the Court order Mr. Raymond to preserve the evidence sought in the subpoena, including the computers at issue and the data contained thereon.

Despite the lack of specificity contained in Mr. Altman's November 21, 2006 letter and the fact that the letter was sent to the Court, plaintiffs interpret the letter as an objection under Fed. R. Civ. P. 45(c)(2)(B), and, pursuant to that Rule, plaintiffs will file a motion to compel. Mr. Raymond is a critical witness in this case, and the information sought is directly relevant to plaintiffs' claims against defendant. First, beyond being defendant's son, Mr. Raymond has been intimately involved in this case from the beginning. Mr. Raymond testified that he worked on the computer that was connected to defendant's Internet account at the relevant time, including reinstalling the operating system at or about the time at issue. He further testified that the computer was at his home during the relevant time frame, and it was Mr. Raymond who delivered the hard drive that plaintiffs ultimately inspected, which hard drive, plaintiffs now believe, was not the hard drive that was attached to defendant's Internet account at the time of the infringements that occurred on or about August 7, 2004. Because Mr. Raymond worked on the computer at issue, had it in his home (along with other computers), and produced a computer other than the computer that was attached

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to defendant's Internet account at the time at issue, the subpoena is reasonably calculated to lead to the discovery of admissible evidence, most notably the hard drive that was attached to defendant's Internet account, which plaintiffs believe is likely still in Mr. Raymond's possession.

In addition, Mr. Raymond, who is a professional paralegal and IT Director for a local law firm, drafted defendant's initial pro se answer in this case, as well as her pro se discovery responses. He also has assisted Mr. Beckerman in communicating with defendant, and he attended every deposition except one in this case, even objecting (improperly) when questions were asked of his sister as to whether there were any file-sharing programs on the computers at his home. Mr. Raymond is, thus, no stranger to this case.

As for Mr. Altman's remaining comments, we note that Mr. Altman's recollection of undersigned counsel's conversation with him is not entirely accurate. The principal purpose for undersigned counsel's call was to confirm that Mr. Raymond properly received the subpoena at issue. Mr. Altman refused to confirm receipt of that subpoena, and even asked why he should cooperate, given his view that the subpoena was overbroad. Undersigned counsel responded that he believed that Mr. Altman had a professional duty to do so, but Mr. Altman disagreed. Mr. Altman said that he would speak with his client and indicated that, although he did not intend to be rude, he might or might not return undersigned counsel's phone call. He never did. Undersigned counsel and Mr. Altman did not discuss privilege issues, although undersigned counsel did speak with Mr. Raymond's employer, Michael Lissner, Esq., about such issues prior to speaking to Mr. Altman. Undersigned counsel assured Mr. Lissner that plaintiffs would be amenable to an appropriate protective order to protect his firm's privileged documents.[1]

With respect to Mr. Altman's assertions that Mr. Raymond has somehow been harassed either by the discovery demand or the process servers, this is false. The fact

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[1] Undersigned counsel called Mr. Lissner first, to confirm that Mr. Raymond received the subpoena, which was left with Mr. Lissner's paralegal, at Mr. Lissner's request and with his commitment to deliver the subpoena to Mr. Raymond, which clearly occurred. In the course of that conversation, Mr. Lissner raised the issue of privileged materials on the computers, and undersigned counsel advised Mr. Lissner that he would work with him and Mr. Raymond to fashion an appropriate protective order. Mr. Lissner indicated that he wanted to speak with Mr. Beckerman and would call undersigned counsel back. He never did.

is that Mr. Raymond has been actively evading service of process for well over one month.[2] Any inconvenience caused by repeated visits from plaintiffs' process servers rests with Mr. Raymond.

Finally, although Mr. Altman states that Rule 45(c)(3)(a)(iii) requires that the Court quash any subpoena seeking disclosure of privileged or other protected matter, Mr. Altman omits the portion of the rule that subjects this requirement to any exceptions or waivers. Here, plaintiffs have no interest in privileged client information of Mr. Raymond's law firm, and they will enter into an appropriate protective order as to such materials. Such an issue, however, cannot wholly bar plaintiffs from the necessary and appropriate discovery that they seek, as defendant and Mr. Raymond appear to suggest.

For all of the foregoing reasons, plaintiffs ask that this Court set a briefing schedule for formal briefing on the motion to compel that plaintiffs now must file, as a result of Mr. Raymond's objections to the subpoena that was served on him.

Respectfully submitted,

s/Richard L. Gabriel
Counsel for Plaintiffs

RLG:ah
cc: Ray Beckerman, Esq. (by ECF and e-mail)
Richard Altman, Esq. (by ECF and e-mail)
Richard Guida, Esq. (by ECF and e-mail)
Timothy R. Reynolds, Esq. (by e-mail)
Kathrin Weston, Esq. (by e-mail)

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[2] Since October 12, 2006, plaintiffs have made seven attempts to serve Mr. Raymond at the address that he gave in his deposition as his home address, including appearing at a date and time when Mr. Raymond stated he would be there (he was not). During these visits, people representing themselves to be Mr. Raymond's brother Carl (whom Mr. Raymond has not seen in over a year) and Mr. Raymond's father (who passed away in 2001) alternatively have claimed that Mr. Raymond no longer lives there and that he is rarely at home. Having failed to achieve service at home, plaintiffs attempted service on three different occasions at Mr. Raymond's place of business, and Mr. Raymond was validly served on November 7, 2006.