



Plaintiffs are informed and believe that Defendant, without the permission or consent of Plaintiffs, has used, and continues to use, an online media distribution system to download the Copyrighted Recordings and to distribute the Copyrighted Recordings to the public. In doing so, Defendant has violated Plaintiffs' exclusive rights of reproduction and distribution. Defendant's actions constitute infringement of Plaintiffs' copyrights and exclusive rights under copyright.

Plaintiffs are informed and believe that Defendant's acts of infringement have been willful and intentional, in disregard of and indifference to the rights of Plaintiffs. As a result of Defendant's infringement of Plaintiffs' exclusive rights under copyright, Plaintiffs are entitled to statutory damages pursuant to 17 U.S.C. §504(c) for Defendant's infringement of each of the Copyrighted Recordings. Plaintiffs further are entitled to their attorneys' fees and costs pursuant to 17 U.S.C. §505. The conduct of Defendant is causing and, unless enjoined and restrained by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot fully be compensated or measured in money. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. §502, Plaintiffs are entitled to injunctive relief prohibiting Defendant from further infringing Plaintiffs' copyrights.

**THEORY OF DEFENSE:**

Defendant denies engaging in any copying or distributing of any copyrighted materials. To the extent the ISP address associated with any account in her name was involved in any such copying or distributing, this activity was not sanctioned or authorized by her. In addition to denying the factual averments underlying plaintiffs' complaint, defendant has raised the customary defenses to such actions to preserve such defenses pending further discovery of plaintiffs' case.

**DAMAGES:**

Plaintiffs seek statutory damages pursuant to 17 U.S.C. §504(c) for each act of infringement.

**DEMAND:**

Plaintiffs are willing to resolve this matter at this time for a payment from the Defendant in the amount of \$5100.00 plus a permanent injunction as worded in the Complaint.

**OFFER:**

Defendant has not made a counteroffer at this time.

**JURISDICTIONAL QUESTIONS:**

None.

**QUESTIONS OF LAW:**

No special questions of law have been identified at this time.

**TYPE OF TRIAL:**

Defendant demands a jury trial.

(a) DISCOVERY PLAN

**TRACK ASSIGNMENT: NORMAL – 12 months.**

(i) DISCOVERY NEEDED

(1) Discovery relating to Defendant's alleged infringement of copyrights, use of computers therefore.

(2) The factual components of Defendant's defense.

**DISCLOSURE OR DISCOVERY OF ELECTRONICALLY STORED INFORMATION SHOULD BE HANDLED AS FOLLOWS:**

The parties anticipate some as yet unknown volume of electronically stored information. All parties have been instructed to preserve electronically stored information, and available electronically stored information will be exchanged as part of the parties' mandatory disclosures.

**MANDATORY DISCLOSURES, Fed.R.Civ.P. 26(a)(1):**

The parties will exchange disclosure material on or before September 15, 2008

**COMPLETION OF DISCOVERY:**

All discovery to be completed by May 1, 2009

**INTERROGATORIES:**

A maximum of 30 interrogatories by each party to any other party. Responses due 30 days after service, unless otherwise stipulated pursuant to Fed.R.Civ.P. 29.

**REQUEST FOR ADMISSION:**

A maximum of 30 requests for admissions by each party to any other party. Responses due 30 days after service, unless otherwise stipulated pursuant to Fed.R.Civ.P. 29.

**DEPOSITIONS:**

A maximum of 7 depositions by each party. Each deposition, shall be limited to a maximum of 7 hours, unless extended by agreement of the parties, and except for depositions of the individual parties, for which 14 hours shall be allotted.

**DATES OF DISCLOSURE OF EXPERTS AND EXPERTS' WRITTEN REPORTS AND SUPPLEMENTATIONS:**

**Plaintiffs:** February 2, 2009

**Defendant:** March 30, 2009

Supplementation under Rule 26(e) is to be made seasonably, pursuant to the rule. Should there be any expert reports, the parties will use the form specified in Rule 26(a)(2).

**CHALLENGES TO EXPERT TESTIMONY:** April 30th, 2009

**OTHER ITEMS**

**JOINDER OF ADDITIONAL PARTIES:**

**Plaintiffs:** November 1, 2008

**Defendant:** November 1, 2008

**THIRD-PARTY ACTIONS:**

November 1, 2008

**AMENDMENT OF PLEADINGS:**

**Plaintiffs:** November 1, 2008

**Defendants:** November 1, 2008

**DISPOSITIVE MOTIONS:**

**To Dismiss:** None.

**For Summary Judgment:** May 15, 2009, or 120 days in advance of the scheduled trial date.

**SETTLEMENT POSSIBILITIES:**

The parties have preliminarily discussed settlement possibilities, and may continue to do so as the litigation progresses.

**JOINT STATEMENT RE MEDIATION:**

The parties have not agreed to any mediation as of this date, but will provide a joint statement regarding the suitability of mediation by January 5, 2009.

**WITNESS AND EXHIBITS LISTS:**

Due dates – 10 days before final pretrial conference, but not less than 30 days before trial for lists (included in final pretrial statements) and 14 days after filing of final pretrial statements for objections.

**TRIAL ESTIMATE:**

2-3 days.

**TRIAL DATE:**

The two-week trial period beginning July 20, 2009.

**PRELIMINARY PRETRIAL CONFERENCE:**

The parties do not request a preliminary pretrial conference with the court before entry of the scheduling order.

**OTHER MATTERS:**

The parties are not aware of any other matters to call to the Court's attention, but reserve the right to do so upon motion.

Respectfully submitted,

**UMG RECORDINGS, INC., et al.  
PLAINTIFFS,**

By Their Attorneys,

SHEEHAN PHINNEY BASS + GREEN,  
PROFESSIONAL ASSOCIATION

Dated: August 5, 2008

By: /s/ Christopher Cole  
Christopher Cole, Esquire, Bar No. 8725  
1000 Elm Street, P.O. Box 3701  
Manchester, NH 03105-3701  
(603) 627-8223  
ccole@sheehan.com

**MAVIS ROY,  
DEFENDANT**

By Her Attorneys,

CIVIL PRACTICE CLINIC AT FRANKLIN  
PIERCE LAW CENTER

Dated: August 1, 2008

By: /s/ Peter S. Wright, Jr.  
Peter S. Wright, Jr., Esquire, Bar No. 2797  
2 White Street  
Concord, New Hampshire 03301  
(603) – 225-3350