IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MINNESOTA DULUTH DIVISION

CAPITOL RECORDS, INC., et al.,

Plaintiffs,

Case No.: 06cv1497-MJD/RLE

VS.

JAMMIE THOMAS,

STIPULATION OF UNCONTESTED FACTS AND MATTERS NOT IN CONTROVERSY

Defendant.

Pursuant to the Court's Third Amended Date Certain Trial Notice (Doc. No. 256, ¶ 4A), Plaintiffs and Defendant stipulate that the following facts are uncontested, are matters not in controversy, and require no proof:

- 1. Plaintiffs placed copyright notices on each of the compact disc containers and on the surface of each of the compact discs containing the 24 sound recordings listed on Amended Exhibit A (Plaintiffs' Trial Exhibit 1) and Amended Schedule 1 (Plaintiffs' Trial Exhibit 2) as provided in section 402 of the Copyright Act.
- 2. Defendant subscribed to the Internet service provided by Charter Communications, Inc., which was the Internet Service Provider, that connected Defendant's Computer to the Internet on February 21, 2005.
- 3. On February 21, 2005 at approximately 11:09 p.m. EST, the MAC address for Defendant's modem which connected her computer to the Internet was 00028ACF5590.

Respectfully submitted this 1st day of June 2009.

/s/ Timothy M. Reynolds

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