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Attorneys for University of Oregon

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

ARISTA RECORDS, LLC, a Delaware limited liability company; ATLANTIC RECORDING CORPORATION, a Delaware corporation; BMG MUSIC, a New York general partnership; CAPITOL RECORDS, INC., a Delaware corporation; ELEKTRA ENTERTAINMENT GROUP, INC., a Delaware corporation; INTERSCOPE RECORDS, a California general partnership; LaFACE RECORDS, LLC, a Delaware limited liability company; PRIORITY RECORDS, LLC, a California limited liability company; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; UMG RECORDINGS, INC., a Delaware corporation; VIRGIN RECORDS AMERICA, INC., a California corporation; WARNER BROS. RECORDS, INC., a Delaware corporation,

Plaintiffs,

v.

DOES 1-17,

Defendants.

Case No. 6:07-cv-06197-HC

AFFIDAVIT OF KATHARINE VON TER STEGGE IN SUPPORT OF THE UNIVERSITY OF OREGON'S REPLY IN SUPPORT OF MOTION TO QUASH PLAINTIFFS' SUBPOENA

STATE OF OREGON)
) ss.
County of Marion)

I, Katharine von Ter Stegge, being first duly sworn on oath, depose and say:

1. I am an Assistant Attorney General assigned to represent the University of Oregon with regard to Plaintiffs' third-party subpoena in the above-entitled matter.

2. I spoke with William Patton, local counsel for Plaintiffs on October 16, 2007, and informed him of the University of Oregon's intent to file a motion to quash the subpoena.

3. I subsequently spoke with Moshe Rothman, national counsel for Plaintiffs, on October 24, 2007, and explained that I intended to file a motion to quash on the University of Oregon's behalf and the grounds for doing so.

4. Mr. Rothman essentially told me the University would not prevail in opposing his clients' subpoena, that the University's objections were meritless, and that opposing the subpoena was a waste of his clients' money.

5. After discussing the University of Oregon's objections to the subpoena, I believed that Mr. Rothman and I were unable to resolve our disagreement on the appropriateness of Plaintiffs' subpoena and that further discussion would be pointless.

6. I filed the motion to quash on October 31, 2007.

7. I submitted a draft of the interrogatories, attached to the affidavit as exhibit H, to Mr. Rothman and he informed me that his clients objected to answering them.

8. While the University of Oregon and Portland State University are both public institutions funded by the State of Oregon, both institutions have their own staff attorneys and engage in independent decision-making in legal affairs.

9. Private investigators are licensed in Oregon by the Department of Public Safety Standards and Training (DPSST), which posts a list of all businesses licensed to do private investigation in Oregon on its website.

10. I reviewed the list of businesses licensed as private investigators on DPPST's website. The list was identified as having last been updated on November 6, 2007. MediaSentry was not one of the listed businesses.

11. Attached hereto and incorporated herein are Exhibits A through H supporting the University of Oregon's Reply in Support of its Motion to Quash Plaintiffs' Subpoena.

12. The exhibits contain true and correct copies of records from federal court proceedings and the U.S. Department of Education and proposed interrogatories drafted by the University of Oregon.

13. The exhibits are as follows:

A. September 7, 2007 Letter from Diane Auer Jones, Assistant Secretary of the Office of Postsecondary Education at the U.S. Department of Education to institutions subject to FERPA.

B. September 18, 2007 Findings and Recommendation of U.S. Magistrate Judge Donald Ashmanskas in *Atlantic Recording Corp., et al. v. Tanya Andersen*, U.S.D.C. Dist. Or. CV-No. 05-933-AS.

C. September 21, 2007 Findings and Recommendation of U.S. Magistrate Judge Donald Ashmanskas in *Atlantic Recording Corp., et al. v. Tanya Andersen*, U.S.D.C. Dist. Or. CV-No. 05-933-AS.

D. Complaint in *Tanya Andersen v. Atlantic Recording Corp., et al.*, U.S.D.C. Dist. Or. CV-07-934-BR.

E. March 4, 2004 Deposition Excerpt of Gary Millin, president of MediaSentry, in Federal Court of Canada Case *BMG Inc. v. John Doe et al.*, No. T-292-04.

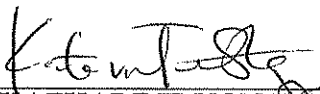
F. February 23, 2007 Deposition Excerpt of Douglas W. Jacobson, *UMG Recordings, Inc., et al., v. Marie Lindor*, U.S.D.C. E.D. N.Y. 05-CV-1095.

G. General Order *In re: Cases Filed By Recording Companies*, U.S.D.C: West.

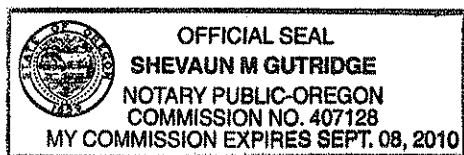
Dist. Tx. November 14, 2004.

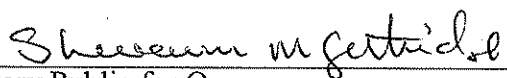
H. The University of Oregon's Draft Interrogatories to Plaintiffs.

DATED this 28th day of November, 2007.


KATHARINE VON TER STEGGE
Assistant Attorney General

SUBSCRIBED AND SWORN to before me this 28th day of November, 2007.



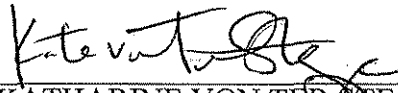

Notary Public for Oregon
My Commission Expires: 9/8/07

CERTIFICATE OF SERVICE

I certify that on November 28, 2007, I served the foregoing Affidavit of Katharine Von Ter Stegge in Support of the University of Oregon's Reply in Support of Motion to Quash Plaintiffs' Subpoena upon the parties hereto by the method indicated below, and addressed to the following:

Kenneth Ray Davis II
William T. Patton
Lane Powell PC
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Of Attorneys for Plaintiffs

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