

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

UMG RECORDINGS, INC., et al.,

05 CV 1095 (DGT)(RML)

Plaintiffs,

- against

MARIE LINDOR,

Defendant

-----X

**SUPPLEMENTAL DECLARATION OF RICHARD L. GABRIEL, ESQ. IN
SUPPORT OF PLAINTIFFS' MOTION FOR PROTECTIVE ORDER**

I, RICHARD L. GABRIEL, ESQ., declare:

1. I am a partner in the law firm of Holme Roberts & Owen LLP. I serve as lead counsel for plaintiffs in the above-captioned case.
2. On or about March 9, 2006, defendant served her first set of interrogatories and first requests for production of documents to plaintiffs.
3. On April 18, 2006, plaintiffs responded to defendant's discovery requests and produced hundreds of pages of documents, including copies of all of the data that MediaSentry provided to plaintiffs, as well as a sampling of sound recordings that MediaSentry downloaded from the "share" folder of defendant's computer. A representative sampling of these documents is attached as Exhibit A (I am attaching only a representative sampling because of the volume of these documents; I would be happy to provide the complete set of such documents, should the Court wish to see them).

4. On July 25, 2006, this Court held a telephonic hearing on the various discovery disputes that were then pending. Although I do not have a transcript of that conference, I recall and believe that, at and/or before that conference, defense counsel, Mr. Beckerman, discussed how, if the MediaSentry Agreement contained a contingency fee arrangement between the recording industry and MediaSentry, that fact could make the MediaSentry Agreement potentially relevant in this case.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 9th day of November, 2006, at Denver, Colorado.



RICHARD L. GABRIEL, ESQ.