

Vandenberg & Feliu, LLP

*Attorneys at Law*

110 East 42<sup>nd</sup> Street

New York, New York 10017

Telephone: 212-763-6800

Author's direct dial: 212-763-6809

Fax: 212-763-6810/6814

Ray Beckerman

E-mail: [rbeckerman@vanfeliu.com](mailto:rbeckerman@vanfeliu.com)

December 26, 2006

By fax (718-613-2345) and electronic filing

Hon. Robert M. Levy  
Magistrate Judge  
U. S. District Court, Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

Re: UMG Recordings, Inc., et al v. Lindor, 05CV1095(DGT)(RML)

Dear Magistrate Levy:

We are attorneys for defendant. It would be disingenuous of me to say I'm shocked, since nothing the plaintiffs do should come as a surprise, but I am most certainly appalled at their submission of "expert witness materials" of Dr. Doug Jacobson in view of their consistently having stonewalled defendant with respect to Dr. Jacobson's hard drive report and our deposition of him. As the court knows we have now been waiting more than four and a half months for Dr. Jacobson's report, and the ability to depose him as to that report, his credentials, and any other expert witness materials. Any materials submitted by Dr. Jacobson should be stricken; any motions predicated in whole or in part on any testimony of his should be denied; and stern sanctions should be awarded against the plaintiffs for their sharp practice in this Court.

Respectfully submitted,

/s/

Ray Beckerman

cc: Richard L. Gabriel, Esq.  
(By ECF and Fax 303-866-0200)