

# 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)

February 19, 2008

By mail 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 Judge Levy:

We are attorneys for defendant. We move to compel plaintiffs' witness, Safenet Inc. d/b/a MediaSentry ("MediaSentry"), to respond to items 1-3, and 5-28 of the subpoena duces tecum that was served upon it on November 14, 2007. (Exhibit A)(exhibits omitted). No response has been received except that (a) on January 25, 2008, MediaSentry served pages and pages of objections, but no documents or data except for a partial response to item 4 (consisting solely of previously publicly filed declarations and affidavits), thus providing nothing whatsoever in response to items 1-3, and 5-28, and no privilege log of any kind, and (b) MediaSentry has indicated that it would provide a resume, in response to item 23, upon entry of a confidentiality order. (Exhibit B)(item 4 response omitted). The documents and data requested in the subpoena are clearly needed to evaluate the integrity of MediaSentry's methods, and the basis for its trial exhibits. Accordingly we request an order compelling a full and complete response to the subpoena.

We endeavored in good faith to resolve this issue without judicial intervention, but were unable to do so.

Respectfully submitted,

Ray Beckerman

cc: Richard L. Gabriel, Esq.  
Thomas M. Mullaney, Esq.