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By Fax (718-613-2518) and ECF

The Honorable David G. Trager
United States Magistrate Judge
United States District Court for
the Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Courtesy Copy
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Re: UMG Recordings, Inc. et al. v. Lindor
EDNY No. 05 Civ. 1095 (DGT) (RML)

Dear Judge Trager:

We represent defendant Marie Lindor in this case. On February 2, 2006, we wrote to Your Honor to request a pre-motion conference on a motion for summary judgment that we sought to make. (Copy annexed.) Shortly thereafter, the Court's law clerk called to say that the Judge wanted discovery to proceed before he considers our motion, and referred us to Magistrate Levy for discovery issues and scheduling.

Since then, Ms. Lindor has fully and completely responded to all of plaintiffs' written discovery requests.

Although the responses to these made it clear that plaintiffs had no case, plaintiffs then took and completed depositions of Ms. Lindor, her son, and her daughter. Defendant arranged for her son and daughter to testify without need for subpoena or formal deposition notice. Plaintiffs have also conducted a physical inspection of the hard drive of defendant's computer and have made a mirror image copy of said hard drive.

Defendant has fully and completely complied with plaintiffs' innumerable discovery

demands.

With all the discovery they've taken, plaintiffs are no closer to making any kind of case against Ms. Lindor than when they started this action. There is simply no evidence that she did anything that would subject her to any form of liability. Ms. Lindor has never even used, or even turned on, a computer, in her life. Plaintiffs are content to let the case go on indefinitely, to use it as a convenient platform for a never ending fishing expedition against potential third parties, but it would be unfair in the extreme to the defendant to allow this to continue, as it was unfair for plaintiffs to go this far. Plaintiffs should have conducted an appropriate investigation prior to commencing suit, and should conduct whatever further investigation they wish on their own time, but defendant should not have to support plaintiffs' investigation, when it has nothing to do with her. It is an abuse of the federal judicial system to allow a lawsuit against an individual who is clearly not the copyright infringer to be used as a convenient vehicle for investigating to find out who, if anyone, did violate plaintiffs' copyrights.

No doubt plaintiffs will respond to this letter with a voluminous, albeit frivolous, letter of their own, representing to the Court that they have many good ideas for pursuing further leads *against other possible individuals, one of whom who may have infringed some of plaintiffs' copyrights*. But they will have nothing pointing *to the defendant*. There is simply no basis in the law to permit a lawsuit to be maintained against an innocent individual in order to give the plaintiffs a convenient platform for investigating to find some other individual who might be liable.

We should not even have to be writing this letter. The plaintiffs should long ago have moved to dismiss the action. But since they have not, we therefore renew our request for that pre-motion conference for our summary judgment motion. In addition, we respectfully would request a stay of all discovery during the pendency of the motion to avoid defendant's having to incur further unnecessary legal fees.

Respectfully submitted,

/s/ Ray Beckerman

Ray Beckerman

cc: J. Christopher Jensen, Esq.(by fax 212-575-0671 & ECF notice)
Richard Gabriel, Esq. (by fax 303-866-0200 & ECF notice)