

SAMPLE SETTLEMENT LETTER



Holme Roberts & Owen LLP
Attorneys at Law

DENVER

February 28, 2007

Re: Notification of Copyright Infringement Claims

BOULDER

Dear Sir/Madam:

COLORADO SPRINGS

We have asked your Internet Service Provider to forward this letter to you in advance of our filing a lawsuit against you in federal court for copyright infringement. We represent a number of large record companies, including EMI Recorded Music, SONY BMG MUSIC ENTERTAINMENT, Universal Music Group and Warner Music Group, as well as all of their subsidiaries and affiliates ("Record Companies"), in pursuing claims of copyright infringement against individuals who have illegally uploaded and downloaded sound recordings on peer-to-peer networks.

LONDON

LOS ANGELES

We have gathered evidence that you have been infringing copyrights owned by the Record Companies. We are attaching to this letter a sample of the sound recordings you were found distributing via the GnutellaUS (LimeWire) peer-to-peer network. In total, you were found distributing 476 audio files, a substantial number of which are sound recordings controlled by the Record Companies.

MUNICH

SALT LAKE CITY

The reason we are sending this letter to you in advance of filing suit is to give you the opportunity to settle these claims as early as possible. If you contact us within the next twenty (20) calendar days, we will offer to settle the claims for a significantly reduced amount compared to what we will offer to settle them for after we file suit or compared to the judgment amount a court may enter against you. If you are interested in resolving this matter now, please contact our Settlement Information Line at 913-234-8181 or, alternatively, you may settle this matter immediately online at www.p2plawsuits.com, using the CASE ID# that appears at the top of this letter.

SAN FRANCISCO

In deciding whether you wish to settle this matter, here are some things you should consider:

- The Copyright Act imposes a range of statutory damages for copyright infringement. The minimum damages under the law is \$750 for *each*

Donald J. Kelso

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copyrighted recording that has been infringed (“shared”). The maximum damage award can be substantially more. In addition to damages, you may also be responsible for paying the legal fees we incur in order to pursue these claims, and are subject to having an injunction entered against you prohibiting you from further infringing activity.

- Now that you are aware that a lawsuit may be filed against you, there is an obligation for you to preserve evidence that relates to the claims against you. In this case, that means, at a minimum, the entire library of recordings that you have made available for distribution as well as any recordings you have downloaded, need to be maintained as evidence. Further, you should not attempt to delete the peer-to-peer programs from your system – though you must stop them from operating. For information on how to do this, you may visit www.musicunited.org.

This is a serious matter and to the extent you have any questions, we strongly encourage you to contact us to ask those questions. Finally, if you would like more information regarding music downloading/file sharing and peer-to-peer networks, please visit www.p2plawsuits.com.

**IF WE DO NOT HEAR FROM YOU WITHIN TWENTY (20)
CALENDAR DAYS FROM THE DATE OF THIS LETTER, THEN WE
WILL FILE SUIT AGAINST YOU IN FEDERAL COURT.**

We are not your lawyers, nor are we giving you legal advice. We urge you to consult with an attorney immediately to advise you on your rights and responsibilities.

Sincerely,

A handwritten signature in cursive script that reads "Donald Kelso".

Donald J. Kelso

EXHIBIT A

CASE ID#

IP Address:

P2P Network: GnutellaUS (LimeWire)

<u>Copyright Owner</u>	<u>Artist</u>	<u>Recording Title</u>	<u>Album Title</u>	<u>SR#</u>
Warner Bros. Records Inc.	Linkin Park	Points Of Authority	Hybrid Theory	288-402
UMG Recordings, Inc.	3 Doors Down	Kryptonite	The Better Life	277-407
SONY BMG MUSIC ENTERTAINMENT	Celine Dion	It's All Coming Back To Me Now	Falling Into You	224-159
Arista Records LLC	TLC	Creep	CrazySexyCool	198-743
BMG Music	Alabama	There's No Way	40 Hour Week	60-774
BMG Music	Christina Aguilera	Genie in a Bottle	Christina Aguilera	274-004
Capitol Records, Inc.	Chris LeDoux	Life Is a Highway	One Road Man	260-057
Warner Bros. Records Inc.	Chicago	You're the Inspiration	Chicago 17	54-174
UMG Recordings, Inc.	Nazareth	Hair of the Dog	Hair Of The Dog	N23222