

EXHIBIT A

From: Charles Nesson [mailto:nesson@gmail.com]
Sent: Thursday, September 11, 2008 9:54 AM
To: Laurie Rust
Subject: Re: Joel Tenenbaum deposition - September 18

yes, i will try to call you between 3-5pm today.

On Thu, Sep 11, 2008 at 11:02 AM, Laurie Rust <Laurie.Rust@hro.com> wrote:

Prof. Nesson,

I am Plaintiffs' national counsel in the case against Joel Tenenbaum. I understand that you will be representing Mr. Tenenbaum at his September 18, 2008 deposition at the offices of Robinson & Cole in Boston. I would like to discuss this deposition with you - could you please contact me at your earliest convenience?

Regards,

Laurie J. Rust
Holme Roberts & Owen LLP
1700 Lincoln St.
Suite 4100
Denver, CO 80203
(303) 866-0678

EXHIBIT B

From: Laurie Rust
Sent: Monday, September 15, 2008 11:24 AM
To: 'Charles Nesson'
Subject: RE: SONY BMG MUSIC ENTERTAINMENT v. Tenenbaum

Great, thank you. I will forward you a revised Notice of Deposition.

Also, we intend to move to dismiss the counterclaims in the amended complaint. Could you please let me know if it is your intent to file a second amended complaint, as that would make the MTD moot.

Thank you,
Laurie J. Rust
Holme Roberts & Owen LLP
1700 Lincoln St.
Suite 4100
Denver, CO 80203
(303) 866-0678

EXHIBIT C

tenenbaum, joel - 092308 hearing transcript.txt

0001

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 - - - - -)
4 CAPITAL RECORDS, INC., ET AL.,) CV. NO. 03-11661-NG
5 PLAINTIFFS)
6 VS.) COURTROOM NO. 2
7 NOOR ALAUJAN, ET AL.,) 1 COURTHOUSE WAY
8 DEFENDANTS) BOSTON, MA 02210
9 - - - - -)
10 LONDON-SIRE RECORDS, INC.,) CV. NO. 04-12434-NG
11 ET AL.,)
12 PLAINTIFFS)
13 VS.)
14 DOES 1-4,)
15 DEFENDANTS)

16 - - - - -
17 HEARING
18 SEPTEMBER 23, 2008
19 4:06 P. M.
20 BEFORE THE HONORABLE NANCY GERTNER
21 UNITED STATES DISTRICT COURT JUDGE
22
23 VALERIE A. O'HARA
24 OFFICIAL COURT REPORTER
25

0002

1 A P P E A R A N C E S:
2 For The Plaintiffs:
3 Holme, Roberts & Owen LLP, by LAURIE J. RUST, ATTORNEY,
4 EVE GOLDSTEIN BURTON, ATTORNEY, 1700 Lincoln Street, Suite
5 4100, Denver, Colorado 80203-4541, for the Plaintiffs.
6 CHARLES NESSON, ESQ., Harvard Law School, 1525
7 Massachusetts Avenue, Cambridge, Massachusetts 02138; for
8 the Defendant Joel Tenenbaum.
9
10 ALSO PRESENT:
11 Joel Tenenbaum
12 Judi e Tenenbaum
13 Tracy Lawrence
14 Mandy Ladebauche
15 Tahiri h LaForest
16 Matthew Oppenheim, client representative
17 Yevgeniya Shnayder
18 June Haskins
19
20
21
22
23
24
25

0003

1 PROCEEDINGS
2 THE CLERK: All rise.
3 THE COURT: You can be seated. Who is in front of
Page 1

tenenbaum, joel - 092308 hearing transcript.txt

22 THE COURT: I thought about it to have a lawyer
23 enter an appearance.

24 MS. BURTON: Can we also set an Answer date?

25 THE COURT: Well, the Answer date would be

0013

1 essentially you can say it would be two weeks from whenever
2 a lawyer entered an appearance, so how about an Answer date
3 no later than November 14th? So what that means is by
4 October 31st you have to get a lawyer, by November 14th that
5 lawyer has to enter an appearance in the case, okay.

6 MS. BURTON: Just to clarify.

7 THE COURT: Has to file an Answer, sorry.

8 MS. BURTON: Thank you, your Honor.

9 MS. LADEBAUCHE: Thank you, your Honor.

10 THE COURT: Ms. Haskins.

11 MS. HASKINS: I'm sorry, your Honor.

12 THE COURT: Have you found a lawyer? Are you
13 going to get one?

14 MS. BURTON: Your Honor, if I may, we spoke with
15 Ms. Haskins right before this, and we have resolved this
16 case in principal.

17 THE COURT: Great. Thank you. Resolved. Fine.
18 Thank you. Now, Mr. Tenenbaum, we need a date for trial,
19 Mr. Nesson, and we need to have a date as to when your
20 client will attend a deposition.

21 MR. NESSON: The deposition is presently on for
22 tomorrow morning at 9 a.m., and we would request a trial
23 date at the earliest convenience, ideally before the end of
24 October.

25 MS. BURTON: Your Honor, we need a whole new

0014

1 discovery schedule in this case. We just received written
2 discovery responses. We actually received amendments to
3 them I believe Monday. We are going to be taking Mr.
4 Tenenbaum's deposition. We also have --

5 THE COURT: Is that tomorrow morning? The
6 deposition is on?

7 MS. BURTON: It is tomorrow morning. We will need
8 to take the parents' deposition, we will likely need a
9 computer inspection. Additionally, we have requested
10 Mr. Nesson to inform us whether he intends to file an
11 amended Answer. We intend to move to dismiss the
12 counterclaims that are currently pending but anticipated
13 that Mr. Nesson may choose to amend the pro se Answer filed
14 by Mr. Tenenbaum and did not want to spend a lot of time
15 drafting a motion just to have it to be moved by amendment
16 of the Answer.

17 MR. NESSON: No amendments, your Honor.

18 THE COURT: No amended Answer, okay. You'll move
19 to dismiss the counterclaims?

20 MS. BURTON: We do intend to move to dismiss the
21 counterclaims. It is currently due on the 29th of this
22 month. We would request a short extension, maybe one more
23 week so that we can do that given that we held off. We
24 anticipated frankly that he would be amending.

25 THE COURT: You'll file that by October 6th.

0015

1 You'll have it 10 days after that to respond.

2 MS. BURTON: I'm sorry, your Honor, the current
3 discovery schedule has the cutoff of September 29th. Sorry,
4 I have it here, no, September 29th and we will need an
5 extension on that.

6 THE COURT: What else do you need to do other than
Page 6

EXHIBIT D

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MASSACHUSETTS
3

4 NO. 1:07-CV-11446

5 VOLUME 1 PAGES 1-272

6 - - - - - *

7 SONY BMG MUSIC ENTERTAINMENT, ET AL
8 Plaintiffs

9 VS.

10 JOEL TENENBAUM,
11 Defendant

12 - - - - - *

13
14
15 DEPOSITION OF JOEL TENENBAUM, taken on
16 behalf of the Plaintiff, taken pursuant to Notice
17 under the Massachusetts Rules of Civil Procedure,
18 before Kim M. Romaine, Notary Public and
19 Shorthand Reporter in and for the Commonwealth of
20 Massachusetts at the Office of Robinson & Cole,
21 One Boston Place, Boston, Massachusetts, on
22 Wednesday, September 24, 2008 commencing at 9:15
23 a.m.
24

1 Q. It's your counterclaim, Joel. I'm just trying
2 to figure out the factual basis for it.

3 A. I'm trying to figure out what your question is
4 meant to differentiate from.

5 Q. I'm asking if there is any other conduct for
6 which you are basing your abuse of process
7 counterclaim?

8 A. Can you give me examples of what you mean by
9 that?

10 Q. No, I can't. Can you give me examples of any
11 other conduct that you think forms the basis of
12 your abuse of process counterclaim? Not a
13 theoretical abuse of process counterclaim. Your
14 abuse of process counterclaim against the
15 plaintiffs in this case.

16 A. Well, I think you were just asking me a
17 theoretical question though. I was asking you a
18 theoretical question.

19 Q. You're not asking me any questions, Joel. I'm
20 asking you a question.

21 A. When I asked that you clarify your question, I
22 was asking for hypothetical examples.

23 Q. I said no.

24 MS. GOLDSTEIN BURTON: Read it back

1 one more time.

2 (Question read back).

3 A. I believe so.

4 MR. NESSON: Let's take a bathroom
5 break.

6 MS. GOLDSTEIN BURTON: Actually, no.
7 Sorry. No.

8 MR. NESSON: Yes.

9 MS. GOLDSTEIN BURTON: I'm finishing
10 this line of questioning. It will take two
11 minutes. Please sit down.

12 MR. NESSON: I'm taking a break.

13 MS. GOLDSTEIN BURTON: Okay.

14 (Break taken).

15 BY MS. GOLDSTEIN BURTON:

16 Q. What facts do you have to support the
17 complaint was not advanced in good faith?

18 A. I think I can be more helpful on the previous
19 question.

20 Q. That's okay. Go ahead, Joel.

21 A. Okay. So the thing about -- I don't have it
22 in front of me. The thing about the counterclaim
23 that you are talking about, I didn't write that
24 entirely myself. I didn't write that entirely

1 out of my own knowledge and efforts.

2 Q. Is that what you had to add to be more
3 helpful?

4 A. Specifically I was actually advised by my
5 counsel when I was writing that.

6 Q. Really? Mr. Nesson helped you with this
7 counterclaim?

8 A. He did.

9 Q. Would you --

10 A. He advised me on it. So I think he would be
11 in a better position to articulate the specifics
12 on the claim.

13 Q. It's your counterclaim. You have to have a
14 factual basis to support it. Mr. Nesson will not
15 be testifying for you at trial, and he is not
16 testifying for you at this deposition. I am
17 trying --

18 A. It's not a matter of testifying. It's a legal
19 document that was written under the counsel of
20 somebody far more skilled in this area and this
21 knowledge than I. So it would be understandable
22 that I'm not going to understand everything he
23 tells me would be good to do or all the reasons
24 for everything that I write.