

NOTICE TO DEFENDANT

Re: Copyright Infringement Claims

This notice serves to inform you that you have been sued by a number of record companies for copyright infringement. The documents you received with this notice are a Complaint and Summons. As indicated in the Complaint, you are being sued because we have obtained evidence that you have made copyrighted sound recordings owned by the record company plaintiffs available for mass distribution over a peer-to-peer network. That is copyright infringement. A complete copy of the files you have been offering for distribution is attached to the Complaint.

This law firm is counsel to the record company plaintiffs. While we want you to understand the harm you have caused, the purpose of this notice is not to try to convince you of the illegality of your actions. It is to ensure that you now take responsibility for those actions. The record company plaintiffs are prepared to prosecute this lawsuit fully to see that their rights and interests are protected. However, as discussed below, they are willing to consider settling the case promptly. In deciding whether you wish to discuss settlement, here are some things we believe you should consider:

Your liability for infringement under the Copyright Act is clear. Making copyrighted recordings available for others to download by putting those recordings into your so-called "shared" folder is copyright infringement, as is the unauthorized downloading of copyrighted recordings. Ignorance of the law is not a defense. Whether or not you intended to infringe does not matter. You violated the record company plaintiffs' copyrights and are liable for damages as a result.

The Copyright Act imposes a range of statutory damages for copyright infringement. The damages range is \$750 to \$30,000 for *each* copyrighted work infringed. If a court determines you acted "willfully," the maximum damage award can be increased to up to \$150,000 for *each* copyrighted work infringed. In addition to damages, you may also be responsible for paying record company plaintiffs' legal fees and costs, and are subject to having an injunction entered against you prohibiting you from further infringing activity.

Under the law, you must file a response to the Complaint within 20 days after you were served. Failure to respond can result in a default judgment being entered against you.

Being named a defendant in a lawsuit also creates an obligation for you to preserve evidence that relates to the claims against you. In this case, that would mean, at a minimum, the entire library of recordings that you have made available for distribution as well as any recordings you have downloaded. The record company plaintiffs have already secured the evidence they will need to prevail in this action. Nevertheless, any destruction of evidence by you would be a serious matter.

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.

Record companies take copyright infringement very seriously, for good reason. Copyright theft is not a victimless crime. People spend countless hours working hard to create music - not just recording artists and songwriters, but also session players, backup singers, sound engineers and other technicians. In addition, the music industry employs thousands of other people, such as CD-plant workers, warehouse personnel, and record store clerks. They all depend on the sale of recordings to earn a living. So do the record companies, which routinely invest millions of dollars to discover and sign promising artists, and then to produce and market their recordings. If piracy eats away at the investment dollars available to fund new music - and it does - what happens to the future of music? A creatively gifted, but commercially risky, artist may not get signed. A talented songwriter may be forced to make songwriting a hobby instead of a career. In the end, the music suffers, along with everyone who cares about it - from the people who make it to the consumers who enjoy it.

If you would like to discuss settlement, the record companies request, with our consent, that you contact their representatives by phone at (816) 559-2540, by facsimile at (816) 421-5547, or by e-mail at info@SettlementInformationLine.com. If you would like to discuss the litigation, you may contact us at (816) 559-2880. If you are under 18, your attorney (or your parent or other guardian) must be present during any discussions.