

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

**CIVIL TRIAL**

|                                  |   |  |
|----------------------------------|---|--|
| Virgin Records America, et al.   | ) | <b>COURT MINUTES</b>                   |
| <i>a California Corporation,</i> | ) | BEFORE: Michael J. Davis               |
|                                  | ) | U.S. District Judge                    |
|                                  | ) |  |
| Plaintiffs,                      | ) |  |
|                                  | ) | Case No: 06-cv-1497 (MJD/RLE)          |
| v.                               | ) | Date: October 3, 2007                  |
|                                  | ) | Court Reporter: Lori Simpson           |
| Jammie Thomas,                   | ) | Time Commenced: 9:00 a.m. - 10:15 a.m. |
|                                  | ) | 10:45 a.m. - 12:30 p.m.                |
|                                  | ) | 1:30 p.m. - 3:15 p.m.                  |
| Defendant.                       | ) | 3:30 p.m. - 4:30 p.m.                  |
|                                  | ) | 4:40 p.m. - 5:30 p.m.                  |
|                                  | ) | Time Concluded: 5:30 p.m.              |
|                                  | ) | Time in Court: 6 Hours and 35 Minutes  |

**APPEARANCES:**

Plaintiff: Richard Gabriel and Timothy Reynolds- Holme, Roberts, & Owen, LLP  
Defendant: Brian Toder - Chestnut and Cambronne, PA

**PROCEEDINGS:**

- Plaintiff Dismisses claims on the following songs: GodSmack - Spiral and Godsmack - Moon Baby. (by UMG Recordings, Inc.) Janet Jackson - Back (by Virgin Records America, Inc.)
- Defendant's Motion to Preclude Cary Sherman, President of the Recording Industry of America, from testifying in the trial is GRANTED.
- Trial Held.
- Trial continued to October 4, 2007.
- Plaintiff's witnesses: Doug Jacobson continued, Kevin Havemeir, Ryan Changanki, Eric Stanley, Jammie Thomas, JoAn Cho, Betsy Brown, and Christopher Bavitz
- Plaintiff Rests
- Defendant Rests
- Review of Jury Instructions and Special Verdict Form

Date: October 3, 2007

s/KW  
Calendar Clerk to Judge Michael J. Davis