

Plaintiffs were referring to the Chap. 147, Sec. 23, paragraph 6 exemption for “An attorney at law in the practice of his profession” and were contending, in effect, that Linares was acting as such an attorney at law performing the investigations, assisted by MediaSentry.

Doe recently found out that Mr. Linares was never admitted to practice law in the District of Columbia, the jurisdiction where his office was located. Plaintiffs did not call this important fact to the attention of the Court when they argued that Linares was an attorney and that MediaSentry’s investigative work was on behalf of Linares acting as an attorney at law within the meaning of the MGL exemption.

The Linares declarations all state that he has been employed as Vice President, Anti-Piracy Legal Affairs by RIAA and his office is located at 1025 F St., NW, 10th Floor, Washington, DC 20004. The Linares declarations do not state that he is an attorney nor do they state that he conducted the investigations, nor that he hired MediaSentry. The Linares declarations do state that “the RIAA retained a third party investigator, MediaSentry, Inc. (‘MediaSentry’) to conduct searches of the Internet.” Therefore there is a crucial inconsistency between plaintiffs’ claims on pages 2 and 3 of their *Opposition* and the Linares declarations.

Because Linares was not acting as an attorney but was acting as an officer of RIAA, MediaSentry was not merely assisting with investigations being carried out by an “attorney at law in the practice of his profession.”

Plaintiffs should not be permitted to rely on the Massachusetts “attorney at law in the practice of his profession” exemption when Linares was not admitted to practice law in D.C., did not declare that he practices an attorney, and when he did not personally hire or employ MediaSentry.

Respectfully submitted,
JOHN DOE
By its Attorneys

Dated June 3, 2008

/s/ Raymond Sayeg
Raymond Sayeg, BBO #555437
DENNER PELLEGRINO, LLP
Four Longfellow Place, 35th Floor
Boston, Massachusetts 02114
(617) 742-1184

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system and will be served electronically to the registered participants identified on the Notice of Electronic Filing (NEF) and paper copies will be served on those indicated as non-registered participants.

/s/ Raymond Sayeg
Denner Pellegrino LLP

: