

FEDERAL COURT

B E T W E E N :

BMG CANADA INC., EMI MUSIC CANADA, A DIVISION OF EMI GROUP CANADA INC., SONY MUSIC ENTERTAINMENT (CANADA) INC., UNIVERSAL MUSIC CANADA INC., WARNER MUSIC CANADA LTD, BMG MUSIC, ARISTA RECORDS, INC., ZOMBA RECORDING CORPORATION, EMI MUSIC SWEDEN AB, CAPITOL RECORDS, INC., CHRYSALIS RECORDS LIMITED, VIRGIN RECORDS LIMITED, SONY MUSIC ENTERTAINMENT INC., SONY MUSIC ENTERTAINMENT (UK) LIMITED, UMG RECORDINGS, INC., MERCURY RECORDS LIMITED AND WEA INTERNATIONAL INC.

Plaintiffs

- and -

JOHN DOE, JANE DOE AND ALL THOSE PERSONS WHO ARE INFRINGING THE PLAINTIFFS' COPYRIGHT IN SOUND RECORDINGS

Defendants

AFFIDAVIT OF KATHY YONEKURA

I, KATHY YONEKURA, of the City of Toronto, in the Province of Ontario, SWEAR THAT:

- 1. I am the Anti-Piracy Coordinator of the Canadian Recording Industry Association ("CRIA"), a position that I have held since October 1990. Except as otherwise indicated, I have personal knowledge of the matters to which I depose in this affidavit. Where I do not have personal knowledge, I have indicated the source of my information, and I believe such information to be true.**
- 2. CRIA is an association that has its principal place of business at 890 Yonge Street, Suite 1200, Toronto Ontario, Canada. CRIA's membership is comprised of Canadian persons, firms and corporations, including many of the Plaintiffs to this Action, whose principal business is producing,**

manufacturing and/or exclusive marketing of sound recordings. CRIA's membership includes most of the major record companies, leading independent labels, and manufacturers of compact discs, albums and tapes. Over 95% of all sound recordings made and sold in Canada emanate from CRIA's membership.

3. From time to time, in the course of my duties, I apply to register copyright in sound recordings on behalf of individual CRIA members. Typically, I receive instructions from a particular record company as to ownership of copyright in a particular sound recording. Based on those instructions, I proceed to apply to register copyright in the sound recording on behalf of the record company.
4. The investigators who have been conducting anti-piracy investigations on CRIA's behalf have provided CRIA with copies and descriptions of audio files that they have downloaded from the individuals whose identities and contact information are sought in the within motions.
5. I am informed by Austin Wong of BMG Canada Inc., Legal and Business Affairs, and I believe, that the members of the BMG group of companies listed in Exhibit "A" hereto own or are exclusive licensees of copyright in Canada in the sound recordings that correspond to the downloaded audio files listed in the Exhibit.
6. I am informed by Jason MacKay, Business and Legal Affairs Co-ordinator of EMI Music Canada, a division of EMI Group Canada Inc., and I believe, that the members of the EMI group of companies listed in Exhibit "B" hereto own or are exclusive licensees of copyright in Canada in the sound recordings that correspond to the downloaded audio files listed in the Exhibit.
7. I am informed by June Mollenbeck, Legal and Business Affairs Administrator of Sony Music Entertainment (Canada) Inc., and I believe, that the members of the Sony group of companies listed in Exhibit "C" hereto own or are exclusive licensees of copyright in Canada in the sound

recordings that correspond to the downloaded audio files listed in the Exhibit.

8. I am informed by Erika Savage, Manager of Business and Legal Affairs for Universal Music Canada Inc., and I believe, that members of the Universal group of companies listed in Exhibit "D" hereto own or are exclusive licensees of copyright in Canada in the sound recordings that correspond to the downloaded audio files listed in the Exhibit.
9. I am informed by Robin Levine of Warner Music Canada Ltd., and I believe, that the members of the Warner group of companies listed in Exhibit "E" hereto own or are licensees of copyright in Canada in the sound recordings that correspond to the downloaded audio files listed in the Exhibit.

SWORN BEFORE ME at the City, of
Toronto, in the Province of Ontario,
Canada on February 10, 2004



Commissioner for taking affidavits

DONALD ALEXANDER MATHESON
A Commissioner, etc., Province of
Ontario, while a student-at-law.
Expires May 2, 2005.


KATHY YONEKURA