

SCHEDULE "A"

Court File No. T-292-04

FEDERAL COURT

Dated at Toronto, Ontario this day of , 2004

PRESENT:

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) INC., 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

ORDER

UPON MOTION by the Plaintiffs for an Order pursuant to Rule 233 of the
Federal Court Rules, 1998:

1. **THIS COURT ORDERS THAT** the non-party respondent, the Internet service provider business unit of Shaw Communications Inc. (the "ISP") is hereby directed to, forthwith and in any event no later than five days after the date on which the Plaintiffs serve a copy of this Order as issued on the ISP,
 - (a) disclose to counsel for the Plaintiffs the last known name; home, mailing and business addresses; telephone numbers; facsimile numbers and e-mail addresses in the business records of the ISP

associated with the IP Addresses and dates and times listed in Schedule "A" to this Order, if available; and

- (b) produce to counsel for the Plaintiffs a copy of the ISP's records used to identify the information disclosed pursuant to subparagraph (a), which copies may be redacted by the ISP prior to production to remove irrelevant information.

2. **THIS COURT FURTHER ORDERS THAT**, the ISP deliver to counsel for the Plaintiffs, forthwith and in any event no later than ten days after the date on which the Plaintiffs serve a copy of this Order as issued on the ISP, an affidavit:

- (a) setting out the information disclosed pursuant to subparagraph 1(a) above; and
- (b) attaching as exhibits the documents produced pursuant to subparagraph 1(b) above.

3. **THIS COURT FURTHER ORDERS THAT** leave, if necessary in light of the implied undertaking rule or applicable privacy legislation, is granted to the Plaintiffs to use the information and documents disclosed pursuant to paragraph 1 of this Order to commence and prosecute one or more applications or actions against any or all of the person whose particulars are listed in Schedule "A" for infringing the Plaintiffs' copyright in sound recordings.

4. **THIS COURT FURTHER ORDERS THAT** there shall be no costs of this motion against the non-party respondent, but the costs of this motion against the relevant ISP Customer shall be reserved to the judge hearing the application or action against him or her.