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16 Attorneys for Defendants
17 MusicCity.com, Inc. (now known as
StreamCast Networks, Inc.) and
18 MusicCity Networks, Inc.

19 UNITED STATES DISTRICT COURT
20 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

21 METRO-GOLDWYN-MAYER
22 STUDIOS INC., et al.,

23 Plaintiffs,

24 vs.

25 GROKSTER, LTD., et al.,

26 Defendants.

) Case No. 01-08541 SVW (PJWx)

) MEMORANDUM OF POINTS AND
) AUTHORITIES OF DEFENDANTS
) STREAMCAST NETWORKS, INC.
) (FORMERLY KNOWN AS
) MUSICCITY.COM, INC.) AND
) MUSICCITY NETWORKS, INC. IN
) SUPPORT OF MOTION FOR PARTIAL
) SUMMARY JUDGMENT:
) DECLARATIONS OF DARRELL
) SMITH, WILLIAM CLAY SHIRKY,
) ANDREW P. BRIDGES, GREGORY

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NEWBY, M. TALLY GEORGE, SEAN
L. MAYERS, JOHN PERRY BARLOW,
BREWSTER KAHLE, RICHARD
PRELINGER, STEVE W. GRIFFIN AND
RICHARD NESSARY IN SUPPORT OF
MOTION

[Notice of Motion and Motion, and
Statement of Uncontroverted Facts and
Conclusions of Law, filed concurrently
herewith]

Date: February 25, 2002
Time: 1:30 p.m.
Ctm: 6 (Spring Street)
Hon. Stephen V. Wilson

1 I, Steve Griffin, hereby declare:

2 My name is Steve Griffin. I reside in Franklin, Tennessee.

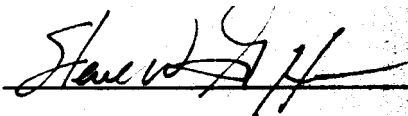
3 2. I am the founder, Chairman, and Chief Executive Officer of
4 StreamCast Networks, Inc., formerly known as MusicCity.com, Inc., as well as a
5 founder of MusicCity Networks, Inc.

6 3. MusicCity Networks, Inc. has never begun operations and has never
7 completed formalities of its corporate formation. It will soon be dissolved. Only
8 StreamCast Networks, Inc. has engaged in the development and distribution of the
9 Morpheus software program.

10 4. Plaintiffs have sent notices to MusicCity.com, Inc. and MusicCity
11 Networks, Inc. accusing users of the Morpheus software program of engaging in
12 copyright infringement. Those notices about Morpheus users by logical necessity
13 all arrive after distribution of the Morpheus program to those users.

14 5. StreamCast Networks, Inc., in distributing the Morpheus software
15 product to the general public, lacks knowledge of particular future infringing or
16 non-infringing uses of the product by the public.

17 I declare under penalty of perjury that the foregoing is true and correct and
18 that this declaration is executed in Franklin, Tennessee, on January 18, 2002.

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21 Steve W. Griffin

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