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MusicCity.com, Inc. (now known as
StreamCast Networks, Inc.) and
MusicCity Networks, Inc.

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

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

Plaintiffs,

vs.

GROKSTER, LTD., et al.,

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

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.
Ct: 6 (Spring Street)
Hon. Stephen V. Wilson

1 I, Gregory Newby, hereby declare as follows:

2 My name is Gregory Newby. I reside in Efland, North Carolina.

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5 Mississippi. Since 1997, I have also been an Assistant Professor with the School
6 of Information and Library Science at the University of North Carolina Chapel
7 Hill. Between 1991 and 1997, I served as an Assistant Professor, Graduate School
8 of Library and Information Science, University of Illinois at Urbana-Champaign.
9 Prior to that, I was an instructor and adjunct faculty member at Syracuse
10 University in Syracuse, New York. I have published dozens of articles and taught
numerous courses on information sciences and internet issues. I received a Ph.D. in
12 Information Transfer from Syracuse University in 1993, an M.A. in
13 Communications from SUNY Albany in 1988, and a B.A. in Communications and
14 Psychology from SUNY Albany in 1987. My complete vitae can be found at
15 <http://www.ils.unc.edu/gbnewby/vita.html>.

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- 27 s. John Milton, Aeropagitica
- 28 t. F. Scott Fitzgerald, This Side of Paradise

- 1 u. Alexis de Toqueville, Democracy In America
- 2 v. The Complete Plays of Gilbert and Sullivan
- 3 w. Popular Science Monthly, Oct, Nov, Dec, 915 V.86
- 4 x. Dante Alighieri, The Divine Comedy (in the original Italian, as
- 5 well as the Longfellow, Cary and Norton translations)
- 6 y. Ulysses S Grant, Personal Memoirs
- 7 z. Charles Darwin, On the Origin of Species
- 8 aa. Plato: Symposium, Meno, Phaedrus, Ion, Euthyphro, Cratylus,
- 9 Euthydemus, Protagoras, Laches, Charmides, Lysis, etc. (Jowett translations)
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26 I declare under penalty of perjury under the laws of the United States of
27 America that the foregoing is true and correct and that this declaration is executed
28 in Efland, North Carolina on January 17, 2002.

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Gregory Newby