

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Digital Performance Right in Sound  
Recordings and Ephemeral Recordings

Docket No. 2009-1  
CRJ Webcasting III

ORDER GRANTING IN PART AND DENYING IN PART  
THE MOTION OF SOUNDEXCHANGE TO COMPEL  
LIVE365 TO PRODUCE DOCUMENTS

The Copyright Royalty Judges (“Judges”) have received a motion from SoundExchange seeking to compel Live365 to produce certain categories of documents.

The movants have classified the documents they are seeking into four categories: (1) updated versions of financial and usage information that Live 365 has previously produced earlier in the proceeding, including documents showing its revenues, costs and expenses for Fiscal Year 2009 and any monthly data for 2010; (2) financial forecasts and projects for the period 2011-15; (3) documents provided to actual or potential investors or financial analysts concerning Live 365’s financial condition, costs, revenues, plans and projections; and (4) documents related to Live365 webcasters that stream their own advertisements or obtain their own royalty licenses. The Judges have considered whether the documents specifically identified by the movants as the subject of this production dispute in each of these four categories have been shown by the movants to be documents that are directly related to the written direct statement of Live365.

With respect to the first category of documents, the motion is **denied as moot**, inasmuch as Live365 indicates it has provided the requested updates and SoundExchange concurs. With respect to the remaining categories of documents (i.e., category 2-4 above), the motion is **granted to the extent Live365 has not already complied with the movants’ request**.

All documents must be provided no later than ten (10) days after the date of this order.

**SO ORDERED.**

**DATED: March 3, 2010**

A handwritten signature in black ink, appearing to read "James Scott Sledge". The signature is written in a cursive, somewhat stylized font.

**James Scott Sledge  
Chief U.S. Copyright Royalty Judge**