

such items. The defendants, of course, are under a continuing duty to supplement any answers to interrogatories or requests for documents as the need arises. Should the defendants fail to properly supplement they may be subject to sanctions, however, at the present time their answer appears to be that there are no such items. If the defendants are playing games with the phrase "protectable musical, rhythmic and/or lyrical elements", they will face sanctions. They should say what is in their works that relates to the plaintiffs' claims.

Paragraph 2 requests information from the profit and loss statements. The plaintiffs, through the attached exhibit of Jane Peterer complain that the defendants have in effect given them the "dump truck" treatment on many of these statements. They allege that the defendants, for example, have provided a statement concerning royalties that is 128 pages long and which contains a great deal of information not relevant to any composition or sound recording at issue in the particular lawsuit in question. If the defendants wish to provide large quantities of records, the defendants are required to identify where in the records the relevant material is located. They should do so by **February 14, 2002**. The Magistrate Judge would note, however, that Ms. Peterer's affidavit seems to be incredibly broad. For example, they request from the defendant publisher a list of any and every subsidiary and sub-publisher in the world, and any agreement by and between them

with respect to each infringing composition and/or sound recording (Exh. B, p. 9).

Again, the Magistrate Judge urges/implores the parties to knock off such broad generalities and ask more limited and specific questions. Concerning the items demanded by the plaintiffs, the attorneys are **directed** to confer on this matter and advise the Court if they can resolve this issue before February 14, 2002. If they cannot, a hearing is set for February 21, 2002, at 4:00 p.m., in courtroom 776, U.S. Courthouse, 801 Broadway, Nashville, TN.

Before such hearing, the parties shall file a joint statement of matters in dispute as required by Local Rule 9(e)(1). Any future motion without this joint statement will be summarily denied.

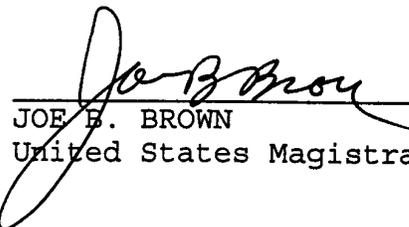
Paragraph 3 requests a large quantity of information going back six years. Both the Magistrate Judge (in case No. 3:01-0703, Docket Entry No. 23) and the District Judge (at Docket Entry No. 51) have addressed limitations which dealt with three-years statute of limitations and allowing the parties to go back six years. The parties are **directed** to those earlier orders and they should comply with them.

Paragraph 4 requests that the defendants provide the factual support for the affirmative defenses raised by the EMI defendants in their answer to the first amended complaint. The response to this request for factual information concerning the bases for the affirmative defenses should also be provided by

February 14, 2002. The defendants, in many of these cases, raised a large number of affirmative defenses. Under Rule 11, they must have had a good faith basis for those affirmative defenses at the time they filed them. If these defendants do not have factual bases for their affirmative defenses, they should withdraw them forthwith.

The Clerk is directed to post a copy of this Order on the court's webpage, www.tnmd.uscourts.gov, under Selected Opinions, Bridgeport Music, Inc. Cases, with the title Order Re: Production of Discovery Materials by EMI Defendants.

It is so ORDERED.



JOE E. BROWN
United States Magistrate Judge