

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

LIBERTY MEDIA HOLDINGS, LLC,

Plaintiff,

v.

SWARM SHARING HASH FILE AE3 et al.,

Defendants.

Civil Action No. 11-cv-10802-WGY

**DECLARATION OF AARON SILVERSTEIN IN SUPPORT OF PLAINTIFFS MOTION
FOR A DEFAULT JUDGMENT AGAINST MICHAEL RAPISARDA FOR WILLFUL
COPYRIGHT INFRINGEMENT**

I, Aaron Silverstein, declare:

1. I am a partner at Saunders & Silverstein LLP, counsel for plaintiff Liberty Media Holdings LLC (“Liberty”).

2. Attached as Exhibit A is a true and correct copy of the Comcast Corp’s subpoena response, showing that at 5:03:22 UTC on November 17, 2010, IP address 71.192.242.221 was assigned to the defendant, Michael Rapisarda.

3. Attached as Exhibit B is a true and correct copy of an advertisement for Comcast Internet Services.

4. Attached as Exhibit C is a true and correct copy of the article from the website How Stuff Work entitled *How BitTorrent Works*.

5. Attached as Exhibit D is an article from the website Whose BitTorrent Is It Anyway entitled *A Visual Explanation of BitTorrent vs. FastTrack (Kazaa, Etc.) and Why BitTorrent Is Better*.

6. Attached as Exhibit E is a true and correct copy the news article *BitTorrent Turns Ten*, from the July 1, 2011 edition of the Financial Post.

7. Attached as Exhibit F is a true and correct copy of an excerpt from the Frequently Asked Questions for the Transmission BitTorrent client entitled “Why Does Setting Upload Speed to ‘0’ Halt My Downloads.”

8. Attached as Exhibit G is a true and correct copy of the Frequently Asked Question for the Demonoid BitTorrent client.

9. Attached as Exhibit H is a true and correct copy of a posting to Yahoo Answers entitled *What Happens If You Get Caught Downloading Movies*.

10. Attached as Exhibit I is a true and correct copy of an article from Digital Trends.com dated October 23, 2009, entitled *Music, Movie and Software Piracy: What’s Your Chance of Getting Caught?*

11. Attached as Exhibit J is a true and correct copy of an posting from the online forum Techarena.in dated June 23, 2010, entitled *What are the Chances of Getting Caught While Downloading Torrents?*

12. To the best of Liberty’s knowledge and belief, Mr. Rapisarda is not an infant or incompetent person or in the military service of the United States.

13. Liberty has incurred costs in the amount of \$192.00 in connection with its lawsuit against Mr. Rapisarda, consisting of:

- Rapisarda share (1/38th) of the filing fee for the complaint: \$7.00
- Service of process: \$65.00. *See* Dkt. No. 22
- Fee charged by Comcast to provide subscriber information for Mr. Rapisarda: \$120.00. Attached as Exhibit K is a true and correct copy of the Comcast invoice.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 28, 2012 at my offices in Amesbury, Massachusetts.



AARON SILVERSTEIN

CERTIFICATE OF SERVICE

I hereby certify that on March 28, 2012, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via first-class mail to those indicated as non-registered participants.

/s/Aaron Silverstein