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8 **UNITED STATES DISTRICT COURT**
 9 **CENTRAL DISTRICT OF CALIFORNIA**

10 FLO & EDDIE, INC., a California
 11 corporation, individually and on behalf
 of all others similarly situated,

12 Plaintiffs,

13 v.

14 SIRIUS XM RADIO INC., a Delaware
 15 corporation, and DOES 1 through 10,

16 Defendants.

Case No. CV 13-05693 PSG (GJS)

**DECLARATION OF CASSANDRA
 SETO IN SUPPORT OF
 DEFENDANT SIRIUS XM RADIO
 INC.'S MOTIONS IN *LIMINE*
 NOS. 1-5**

Hon. Philip S. Gutierrez

Pretrial Conf. Date: Oct. 31, 2016
 Trial Date: Nov. 15, 2016
 Courtroom: 880

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DECLARATION OF CASSANDRA L. SETO

I, Cassandra L. Seto, declare and state:

1. I am a partner at the law firm of O’Melveny & Myers LLP, counsel of record for defendant Sirius XM Radio Inc. (“Sirius XM”) in the above-entitled action. I make this declaration in support of Sirius XM’s Motions in *Limine* Nos. 1-5. I have personal knowledge of the matters set forth in this declaration, and if called to testify to the facts stated herein, I could and would do so competently.

2. Sirius XM’s Motions in *Limine* Nos. 1-5 are made following conferences of counsel on September 22 and 27, 2016.

Major Labels Spreadsheet and Direct Licensor Metadata

3. In September 2013, Capitol Records, LLC, Sony Music Entertainment, UMG Recordings, Inc., Warner Music Group Corp., and ABKCO Music & Records, Inc. (the “Major Labels”) filed an individual action against Sirius XM in California state court. *Capitol Records LLC, et al. v. Sirius XM Radio Inc.*, L.A.S.C. Case No. BC520981.

4. Sirius XM and the Major Labels settled the *Capitol Records* lawsuit in June 2015. Pursuant to that settlement, the Major Labels provided a spreadsheet identifying some (though not all) of the pre-1972 recordings they own or control.

5. Sirius XM has direct license agreements with recording owners (the “Direct Licensors”) granting nationwide rights to perform their content.

6. The Direct Licensors provide metadata identifying which recordings they own or control. Sirius XM has produced that metadata to plaintiffs, along with spreadsheets prepared by Sirius XM’s licensing agent that aggregate and synthesize the metadata for ease of use.

Plaintiffs’ Supplemental Damages Report

7. On September 21, 2016, plaintiffs served a supplemental expert report on damages. That report confirms that plaintiffs seek monetary relief solely in the form of Sirius XM’s gross revenues without deduction of costs.

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I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct and that this declaration is executed this 30th day of September 2016 at Los Angeles, California.

/s/ Cassandra L. Seto
Cassandra L. Seto

From: ECFdocuments@pacerpro.com
To: [Jami L. Grounds](#)
Subject: New document: Flo & Eddie Inc v. Sirius XM Radio Inc et al (Doc# 475, C.D. Cal. 2:13-cv-05693-PSG-GJS)
Date: Friday, September 30, 2016 11:21:15 PM
Attachments: [2016-09-30 Declaration \[dckt 475_0\].pdf](#)

Flo & Eddie Inc v. Sirius XM Radio Inc et al

Docket entry number: 475

DECLARATION of Cassandra Seto in Support of MOTION IN LIMINE NO. 2 to Exclude Evidence, Argument, and Testimony Regarding Past Damages [470], MOTION IN LIMINE NO. 4 to Exclude Evidence, Argument, and Testimony Regarding The Capital Records Settlement and Direct License Agreements [472], MOTION IN LIMINE NO. 3 to Exclude Evidence, Argument, and Testimony Regarding Past Damages Barred by the Applicable Statutes of Limitation [471], MOTION IN LIMINE NO. 5 to Exclude Evidence, Argument, and Testimony Regarding Soundexchange Letter and its Contents [473], MOTION IN LIMINE NO.1 to Exclude Testimony of Expert Michael Wallace and any other Evidence and Argument that Gross Revenue alone is an Appropriate Measure of Damages [474] filed by Defendant Sirius XM Radio Inc. (Seto, Cassandra) (Entered: 09/30/2016)

Date entered: 2016-09-30

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