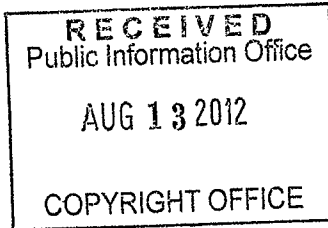


# JENNER & BLOCK

August 13, 2012

**BY HAND DELIVERY**



Jenner & Block LLP  
1099 New York Avenue, NW  
Suite 900  
Washington, DC 20001  
Tel 202-639-6000  
www.jenner.com

Chicago  
Los Angeles  
New York  
Washington, DC

Copyright Royalty Judges  
Library of Congress  
James Madison Memorial Building  
101 Independence Avenue, SE  
Washington, DC 20559-6000

Jared O. Freedman  
Tel 202 639-6879  
Fax 202 661-4846  
jfreedman@jenner.com

Re: Order of Appearance of SoundExchange Witnesses

To the Copyright Royalty Judges:

Per the Copyright Royalty Judges' April 25, 2012 Order, please find below SoundExchange's intended order of appearance of our rebuttal witnesses.

Thomas Lys  
Michael Powers  
George Ford  
Aaron Harrison  
Jonathan Bender  
Itamar Simonson  
Mark Eisenberg

This list is based on our assumption that our witnesses will begin testifying on Monday, August 20. However, we recently learned that Music Choice's witness, Michael Crawford, may not be able to testify in person this week. If he does not testify, Sirius XM and Music Choice may complete their witness testimony (other than Dr. Crawford) before the end of this trial week. Given that possibility, we are trying to determine whether SoundExchange witness Jonathan Bender is available to testify on Thursday, August 16. We will update the Court and parties as soon as we have more information. We do not plan to present any of our other witnesses this week.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "J.O. Freedman".


Jared O. Freedman

cc: Counsel of Record (by email)

## CERTIFICATE OF SERVICE

I, Jeffrey Phillips, do hereby certify that a copy of the foregoing **Letter Regarding Order of Appearance of SoundExchange Witnesses from J. Freedman to the Copyright Royalty Judges** was sent via electronic mail and overnight mail on the 13th day of August, 2012, to the following:

<p>R. Bruce Rich Bruce S. Meyer Todd D. Larson WEIL, GOTSHAL &amp; MANGES LLP 767 Fifth Avenue New York, New York 10153 Fax: (212) 310-8007 r.bruce.rich@weil.com bruce.meyer@weil.com todd.larson@weil.com</p> <p><i>Counsel for Sirius XM Radio Inc.</i></p>	<p>Paul M. Fakler Eric Roman ARENT FOX LLP 1675 Broadway New York, New York 10019-5874 Fax: (212) 484-3990 fakler.paul@arentfox.com roman.eric@arentfox.com</p> <p><i>Attorneys for Music Choice</i></p>
--	--

  
\_\_\_\_\_  
Jeffrey Phillips