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14 Attorneys for Defendant  
NAPSTER, INC.

15 UNITED STATES DISTRICT COURT  
16 NORTHERN DISTRICT OF CALIFORNIA  
17 SAN FRANCISCO DIVISION  
18

19 A&M RECORDS, INC., a corporation, et al.  
20 Plaintiffs,

21 v.

22 NAPSTER, INC., a corporation, and DOES 1  
through 100,  
23 Defendants.

24 JERRY LEIBER, individually and doing business  
as JERRY LEIBER MUSIC, et al.

25 Plaintiffs,

26 v.

27 NAPSTER, INC.,  
28 Defendants.

Case Nos. C 99-5183 MHP (ADR)  
C 00-0074 MHP (ADR)

**DECLARATION OF MICHAEL E.  
LAWRENCE IN SUPPORT OF  
DEFENDANT NAPSTER'S  
OPPOSITION TO PLAINTIFF'S  
MOTION FOR PRELIMINARY  
INJUNCTION**

Date: July 26, 2000  
Time: 2:00 p.m.  
Courtroom: 15  
Hon. Marilyn H. Patel

1 I, Michael E. Lawrence, declare, pursuant to 28 U.S.C. § 1746, as follows:

2 1. I am a recording artist and have been performing since 1985. I know the matters  
3 stated herein of my own personal knowledge and, if called to testify, could and would testify  
4 competently to them.

5 2. I have recorded with many bands, included Sun 60 (Sony/Epic), Dig  
6 (Radioactive/MCA), Jude Cole (Island), Kendall Payne (Capital Records), Mojason  
7 (MCA/Seagrams), Fire Ants (Independent label), Lonesome Romeo's (Curb/Capital Records),  
8 Rick Gannaway (Helix Independent Label), and Liz Larin (Triad Productions). I have worked on  
9 an estimated 18 to 20 different album projects.

10 3. I have been an ASCAP member since 1994.

11 4. I have extensive experience writing music. With the band Sun 60, I was credited  
12 for writing four songs for an album called *Headjoy*. With the band Mojason on the  
13 MCA/Seagrams record label, I was credited for four songs. I also wrote three spots for Anheuser  
14 Busch commercials. I was involved in a writing partnership on five independent releases.

15 5. Based on my 15 years of experience in the recording industry, as a songwriter and  
16 performer, it is my opinion that major recording labels do not provide the consistent support  
17 necessary to build an artist's career. I have been involved with three bands that have received  
18 label support only to have that support pulled and the artist left high and dry.

19 6. I was a member of the alternative band Sun 60 from 1992 until 1996. Sun 60  
20 opened for bands such as Big Head Todd and the Monsters, the Counting Crows, Cracker, and  
21 Paul Weller. We were signed by Epic/Sony Records until it withdrew support in the middle of  
22 one of Sun 60's 1995 tours because a new president took over and a number of representatives,  
23 including the rep that was supporting us, were fired.

24 7. Following Sun 60's break-up, I moved to New York and recorded with the band  
25 Mojason, which was signed on to the MCA/Seagrams record label. Although the band had set up  
26 some tour dates and was promised receive support from MCA/Seagrams, the label dropped  
27 Mojason and the album that I recorded with them in 1996 was never released.

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