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13 Attorneys for Defendant
14 NAPSTER, INC.

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

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 Defendant.

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

**REQUEST FOR EVIDENTIARY
HEARING**

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

1 Pursuant to this Court's Order of May 15, 2000 and upon review of Plaintiffs'
2 papers in support of Plaintiffs' Joint Motion For Preliminary Injunction ("Plaintiffs' Motion"),
3 Defendant Napster, Inc. ("Napster") hereby respectfully requests that the Court schedule an
4 evidentiary hearing to resolve certain factual disputes and arguments arising from the papers filed
5 in support of and in opposition to Plaintiffs' Motion.

6 The reason for the evidentiary hearing is that Plaintiffs' request would, if granted,
7 shut down Napster's business entirely without a full and fair opportunity for the Court to consider
8 all of the evidence. The documents submitted by both sides are so voluminous that Napster
9 believes that an evidentiary hearing, which should take between five and ten court days, is
10 necessary for the Court to understand all of the factual and legal issues.

11 Napster further requests that the Court order that the specification of issues to be
12 heard be presented by the parties by joint submission to this Court no later than Monday, July 17,
13 2000.

14 Dated: July 3, 2000

Respectfully submitted,

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