

INSTRUCTIONS FOR SUBMITTING DECLARATIONS IN
OPPOSITION TO THE ORY SETTLEMENT

We have received numerous inquiries from publishers desiring to express their objection to the proposed settlement in *Babette Ory, et al. v. Columbia House Music Club (CHC), BMG Direct (BMG)*. In order to simplify this process, we have attached a printable form declaration for your use in voicing your concerns. **To ensure its timely filing, HFA must receive your completed declaration by facsimile by June 14, 2005.**

In order to complete the declaration, please print a copy of the declaration and fill in **all** of the blanks. **Completed and signed forms must be faxed to HFA's Legal Department at (212) 922-3299 no later than June 14, 2005.** Please also mail a copy of the original signed declaration to HFA at:

The Harry Fox Agency, Inc.
711 Third Avenue
New York, NY 10017
Attn: Legal Department

HFA will present the declarations submitted to it by June 14, 2005 to the Court. By sending a signed declaration to HFA, you authorize HFA to file it with the Court on your behalf and represent your interests at any hearing in this action.

The suggested form declaration prepared by HFA states concerns shared by HFA and numerous publishers that have contacted HFA. **You should only sign the declaration if you share each of these concerns.** To the extent that you have additional or different concerns and would still like HFA to bring those concerns to the attention of the Court, please modify the declaration or submit your own declaration.

You may also submit an objection directly to the Court and to counsel of record in the *Ory* litigation. Mailing and contact information is available on the website created by the parties in that action at www.gilardi.com.

- 1 b. The website licensing procedure proposed by the Settlement Agreement
2 is set up in a manner that will not permit my organization effectively to
3 exclude compositions from future use by the Defendants. This will allow
4 the Defendants unilaterally to dictate terms and conditions of a license.
- 5 c. The proposed website procedure is fundamentally unfair in granting
6 Defendants an ongoing right to automatic reduced-rate licenses not
7 available to other licensees who are required to negotiate with and obtain
8 consent from copyright owners if requesting a rate below the statutorily
9 prescribed rate.
- 10 d. The procedure for opting out of the Settlement is too confusing and
11 burdensome, thereby preventing my organization from effectively
12 exercising my right to opt out.
- 13 e. It is fundamentally unfair to allow co-owners effectively to bind
14 compositions that my organization co-owns with them to the terms of the
15 Settlement Agreement.

16 I declare under penalty of perjury under the laws of the United States of
17 America that the foregoing is true and correct, and that this declaration was executed
18 on June __, 2005, in the city of _____ and the state of

19 _____
20 _____