

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

**IN RE COMPACT DISC MINIMUM
ADVERTISED PRICE ANTITRUST
LITIGATION**

]
]
]
]
]

MDL DOCKET No. 1361
*(This Document Applies to John A.
Deep v. Recording Industry Ass'n of
of America, Inc., et al., No. 2:05cv118)*

ORDER TO SHOW CAUSE

The Judicial Panel on Multidistrict Litigation has transferred this case to this Court for consideration in connection with the music compact disc cases previously transferred.

One of the corporate disclosure statements filed by the defendants in the Northern District of New York reveals that one of the defendants, Universal City Studios, LLLP, is “wholly and indirectly owned by NBC Universal, Inc.” In turn, “NBC Universal, Inc. is owned by General Electric Corporation, a publicly traded U.S. corporation, and Vivendi Universal, S.A., a publicly held French company.”

I own stock in General Electric Corporation. Although Advisory Opinion 57 of the Judicial Conference Committee on Codes of Conduct states that I must disqualify myself if the subsidiary is wholly owned by a corporation in which I own stock, it appears that General Electric Corporation does not wholly own the relevant subsidiaries. The Compendium of Selected Opinions provides that “when a parent company does not own all or a majority of stock in the subsidiary, the

judge should determine whether the parent has control of the subsidiary, necessitating recusal. The 10% disclosure requirement in Fed. R. App. P. 26.1 is a benchmark measure of parental control.”

Accordingly, by July 25, 2005, the defendant Universal City Studios, LLLP shall file with the Court a statement whether General Electric Corporation owns 10% or more of NBC Universal, Inc., the parent of Universal City Studios, LLLP, so that I may determine whether recusal is required.

So ORDERED.

DATED THIS 1ST DAY OF JULY, 2005

/s/D. Brock Hornby _____
D. BROCK HORNBY
UNITED STATES DISTRICT JUDGE

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET FOR CASE #: 2:05cv118**

JOHN A. DEEP

Plaintiff

represented by **JOHN A. DEEP**, Pro Se
26 ROOSEVELT BLVD
COHOES, NY 12047
(518) 233-0225

v.

**RECORDING INDUSTRY ASSOCIATION
OF AMERICA, INC.**

represented by **TERENCE J. DEVINE
DAVID F. KUNZ**
DEGRAFF, FOY LAW FIRM
90 STATE STREET
ALBANY, NY 12207
(518) 462-5300

ARISTA RECORDS, INC.

See above

**ATLANTIC RECORDING
CORPORATION**

See above

ATLANTIC RHINO VENTURES, INC.
d/b/a RHINO ENTERTAINMENT
COMPANY

See above

BAD BOYS RECORDS

See above

ARISTA GOOD GIRLS, INC.

See above

CAPITOL RECORDS, INC.

See above

**ELEKTRA ENTERTAINMENT GROUP,
INC.**

See above

HOLLYWOOD RECORDS, INC.

See above

**INTERSCOPE RECORDS
LAFACE RECORDS, INC.**

See above

See above

LONDON-SIRE RECORDS, INC.

See above

MOTOWN RECORD COMPANY, LP	See above
RCA RECORDS LABEL <i>agent of</i> BMG MUSIC	See above
SONY MUSIC ENTERTAINMENT, INC.	See above
UMG RECORDINGS, INC.	See above
VIRGIN RECORDS AMERICA, INC.	See above
WALT DISNEY RECORDS	See above
WARNER BROS RECORDS, INC.	See above
WEA INTERNATIONAL, INC.	See above
WEA LATINA, INC.	See above
ZOMBA RECORDING CORPORATION	See above
METRO-GOLDWYN-MAYER STUDIOS INC	See above
COLUMBIA PICTURES INDUSTRIES, INC.	See above
DISNEY ENTERPRISES, INC.	See above
NEW LINE CINEMA CORPORATION	See above
PARAMOUNT PICTURES CORPORATION	See above
TIME WARNER ENTERTAINMENT COMPANY, LP	See above

**TWENTIETH CENTURY FOX FILM
CORPORATION**

See above

UNIVERSAL CITY STUDIOS, INC.

See above

**TRANSWORLD ENTERTAINMENT
CORPORATION**

represented by **ANDREW C. ROSE**
NIXON, PEABODY LLP
OMNI PLAZA, SUITE 900
30 SOUTH PEARL STREET
ALBANY, NY 12207
(518) 427-2666

Defendants

**U.S. DISTRICT COURT
DISTRICT OF MAINE (PORTLAND)
CIVIL DOCKET FOR CASE #: 2:00-MD-1361-DBH**

LIAISON COUNSEL FOR THE PLAINTIFF STATES:

Francis E. Ackerman, Maine Assistant Attorney General
6 State House Station
Augusta, ME 04333-0006
(207) 626-8800

LEAD COUNSEL FOR THE PLAINTIFF STATES:

Linda Gargiulo, Assistant Attorney General
120 Broadway, Suite 2601
New York, NY 10271
(212) 416-8274

Lizabeth Leeds, Assistant Attorney General
PL-01 The Capitol
Tallahassee, FL 32399-1050
(850) 414-3851

LIAISON COUNSEL FOR THE PRIVATE PLAINTIFFS:

Alfred C. Frawley, III, Esq.
Gregory P. Hansel, Esq.
Preti, Flaherty, Beliveau & Haley, LLC
P.O. Box 9546
Portland, ME 04112-9546
(207) 791-3230

LEAD COUNSEL FOR THE PRIVATE PLAINTIFFS:

Joseph C. Kohn, Esq.
Michael J. Boni, Esq.
Kohn, Swift & Graf, PC
One South Broad Street, Suite 2100
Philadelphia, PA 19106
(215) 238-1700

COUNSEL FOR THE TROWBRIDGE PLAINTIFFS:

Michael Jaffe, Esq.
Wolf Haldenstein Adler Freeman & Herz, LLP
270 Madison Avenue
New York, NY 10016
(212) 545-4600

LIAISON COUNSEL FOR THE DISTRIBUTOR DEFENDANTS:

William J. Kayatta, Jr., Esq.
Clifford H. Ruprecht, Esq.
Pierce Atwood
One Monument Square
Portland, ME 04101
(207) 791-1100

LIAISON COUNSEL FOR THE RETAILER DEFENDANTS:

Joseph H. Groff, III, Esq.
Jensen, Baird, Gardner & Henry
P.O. Box 4510
Portland, ME 04112-4510
(207) 775-7271