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February 15, 2013

Hon. George M. Daniels
U.S. District Court Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312
By FedEx

In re: Literary Works in Electronic Databases Copyright Litigation, No. M-21-90
(GBD) (MDL # 1379)

Dear Judge Daniels:

I am counsel for the class members who objected to the settlement and appealed the approval. In August 2011 the Court of Appeals upheld one of the objections. In re: Literary Works in Electronic Databases Copyright Litigation, 654 F.3d 242 (2d Cir. 2011). The Court was concerned with adequate representation for claims for copyrighted works that fell within the C compensation category under that settlement. By all accounts that was the vast majority of works involved in the settlement. Going forward, the Court suggested that a way to proceed would be for representation to be assigned to compensation categories, A, B and C. It was understood by the Court that some, possibly many, class members have claims for works in more than one category, and would thus have more than one counsel representing their "total" position in the settlement. Thereafter, counsel for the named plaintiffs, the defendants and I agreed to undertake negotiations for a new, or revised, settlement. I would be representing claims for C works. Plaintiffs' counsel (now "A-B counsel") would be representing claims for the A and B works. We decided that separate counsel for A and B categories was not necessary, based on information that is as yet confidential. Of course, our approach, if it results in a proposed settlement, will be subject to your approval in settlement approval proceedings.

We started those negotiations last March. Everyone has worked hard, and progress has been made, but we do not have a settlement. One might fairly say we are "close," as Michael Boni said last October, but that obviously did not mean close in time nor can I suggest we are close now. However, fulfilling my obligation to C works, I don't believe we should spend more time without litigation deadlines or court supervision of the settlement efforts to assure that further delay is justified.

In contemplation of renewed proceedings, I intend to appear on behalf of one or more class members, either by a motion to intervene, or by the filing of a new complaint. For that purpose I am requesting to be admitted pro hac vice. Enclosed is a copy of my motion, and a proposed order. The original motion has been sent to the Clerk's office for filing. The local rules require that this motion be filed by ecf, but this case is not available for ecf filing.

I will be appearing on another matter in the Eastern District of New York on March 13, 2013, should the Court believe that date or one within a day or two is an appropriate time for counsel to address the Court about the status of the case.

Sincerely,



Charles D. Chalmers