


[REDACTED]

SEP 13 2007
MEMPHIS

_____)
In the Matter of)
)
POLYGRAM HOLDING, INC.,)
a corporation,)


Geoffrey M. Green
John Roberti
Melissa Westman-Cherry
Complaint Counsel

Dated: December 21, 2001

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)

POLYGRAM HOLDING, INC.,)
a corporation,)

DECCA MUSIC GROUP LIMITED,)
a corporation,)

UMG RECORDINGS, INC.,)
a corporation,)

and)

UNIVERSAL MUSIC & VIDEO)
DISTRIBUTION CORP.,)
a corporation.)

Docket No. 9298

Specification Number 19 of Complaint Counsel's First Request for Documents (relevant

[REDACTED]

[REDACTED]

[REDACTED]

the parties, requests the following:

All market studies, consumer research, forecasts and surveys that discuss:

[REDACTED]

attendant to promotion of the 1998 Three Tenors album is in various ill-defined ways different from the potential for free riding and consumer confusion associated with promotions for other audio products.²

In other words, in an effort to justify that which is almost never justifiable (price fixing), respondents argue that the recorded music industry is like no other industry, and that Three Tenors

gives rise to unique circumstances. The market studies conducted by the Commission are based on

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Motion to Compel Respondents to Produce Documents.

Document 11

[REDACTED]

[REDACTED]

BEFORE FEDERAL TRADE COMMI

SSION

In the Matter of

[REDACTED]

gross sales net of misorders, discounts, allowances, and excise taxes.

13. For each Three Tenors Product sold by the Company, documents sufficient to show, by country and by month, the Company's total unit sales. Unit sales refers to total gross sales less misorders.

14. For each Three Tenors Product sold by the Company, documents sufficient to show, by country and by month, the Company's total unit sales. Unit sales refers to total gross sales less misorders.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

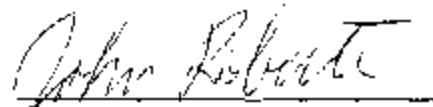
CERTIFICATE OF SERVICE

I, John Roberti, hereby certify that on September 12, 2001, I caused a copy of Complaint Counsel's First Request for Production of Documents and Things Issued to Respondents to be served upon the following persons by facsimile and by U. S. Mail:

Glenn D. Pomerantz
Bradley S. Phillips
Stephen E. Marrissey
Munger Tolles & Olson LLP
355 South Grand Avenue

250,771





John Roberti

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of)
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POLYGRAM HOLDING, INC.,)
a corporation,)
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and)
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UNIVERSAL MUSIC & VIDEO)
DISTRIBUTION CORP.,)
a corporation.)
_____)

Docket No. 9298

ORDER

UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION

In the Matter of

POLYGRAM HOLDING, Inc.
a corporation,

4. On or about October 22, 2001, I contacted Steven Morrissey of Munger, Folles and

5. Following this conversation, I agreed to limit Specification 19 to:

All market studies, consumer research, forecasts and surveys that discuss: (a) supply and demand conditions for audio products or video products; (b) the relationship, if any, between the advertising/promotion of audio products and prices or sales levels; and/or (c) the relationship, if any, between the advertising/promotion of video products and prices or sales levels.

On November 6, 2001, I wrote a letter to Mr. Morrissey confirming this position.

6. On or about November 14, 2001, Mr. Morrissey and I again conferred about

Specification 19. As a result of that conversation, complaint counsel agreed to delay filing any

Wentworth, Massachusetts

Dated: December 21, 2001

John Roberti /msc
John Roberti

CERTIFICATE OF SERVICE

~~U.S. District Court, District of Columbia, Case No. 01-00017~~

DATE

[Redacted]

the following documents to be served upon the persons listed below by facsimile and by U. S. Mail:

- (1) Complaint Counsel's Motion to Compel Respondents to Produce Documents;
- (2) Complaint Counsel's Memorandum in Support of the Motion to Compel Respondents to Produce Documents;
- (3) Proposed Order; and
- (4) Declaration of John Robert