



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

THE PARTIES' FIRST SET OF STIPULATIONS

I Stipulations Concerning the Authenticity and Admissibility of Documents

3. There shall be a presumption that each Respondent Document and each Warner

Document was prepared and kept in the regular course of business by the producer or its

4. When a Respondent Document or a Warner Document is offered in evidence, the

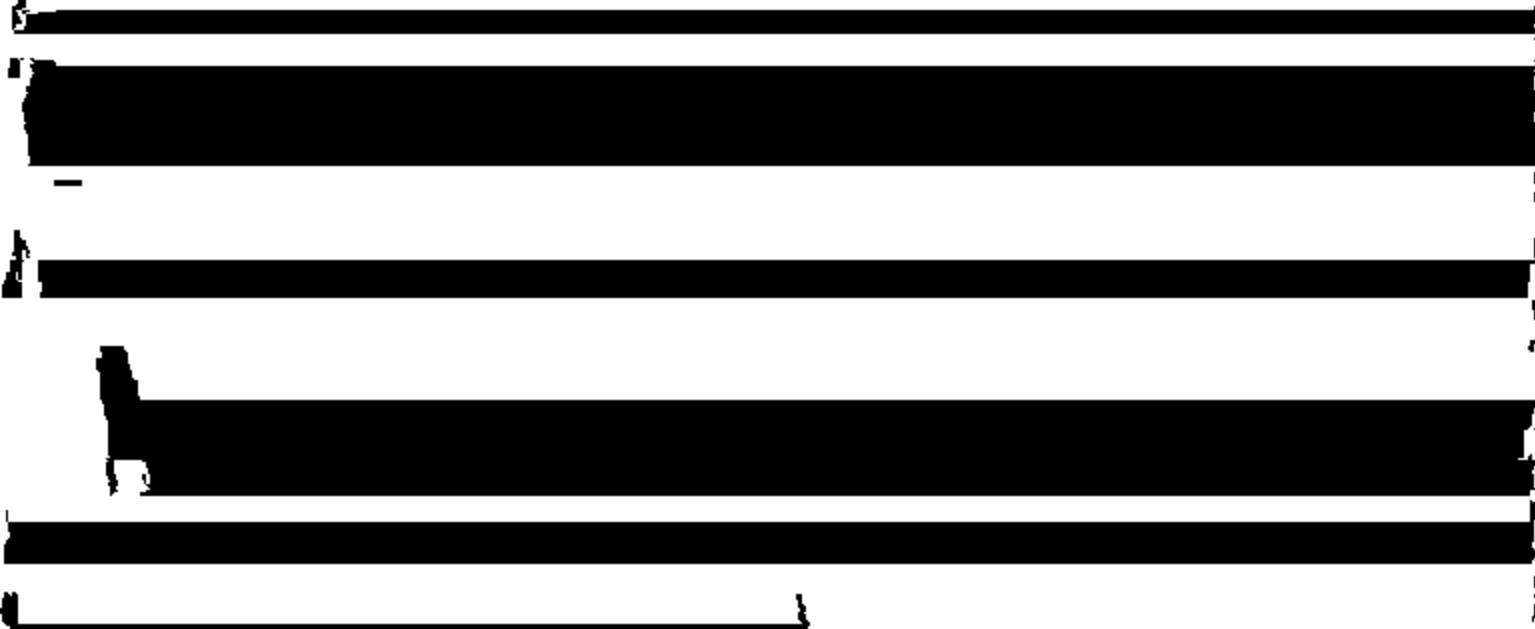
burden of proof shall rest upon the party opposing the admission of such document to rebut the

business under and by virtue of the laws of the State of Delaware, with its office and principal place of business located at 825 Eighth Avenue, New York, New York 10019.

7 Defendant Decca is a corporation organized, existing and doing business in

14. UMG Recordings, Inc. and Universal Music and Video Distribution Corp. are subsidiaries of PolyGram Holding Inc.


15. In 1998, PolyGram Holding Inc., the Decca Record Company Ltd., PolyGram
Partners, Inc. and PolyGram Group Distribution, Inc. were subsidiaries of PolyGram N.V.



16. During 1998, PolyGram Holding, Inc. provided services to its subsidiaries, including legal services and human resources services.

17. In 1998, PolyGram Classics and Jazz was a division of PolyGram Records, Inc.

18. In December 1998, PolyGram N.V. was restructured to become a holding company.



24. Bert Cloeckart is the Senior Vice President of Commercial Affairs for Universal Music International. During 1998, Mr. Cloeckart was the Vice President for Polygram in Continental Europe.

25. Richard Green is the Senior Vice President of Universal Music International. During 1998, Mr. Green was the Vice President for Polygram in Continental Europe.



A=

[REDACTED]

Y

[REDACTED]

36. During 1998, Pat Creed was Senior Director for Product Development for Atlantic

[REDACTED]

50. During 1997, Anthony O'Brien was Warner's lead negotiator with regard to the Three Tenors contracts with PolyGram and with concert promoter Tibor Rudas.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

62. Bert Cloeckert is designated as one of Respondents' 3.33(c) witnesses regarding

the factual basis for the assertions in Respondents' Third and Fourth Additional Defenses

[REDACTED]

[REDACTED]

63. Chris Roberts is designated as one of Respondents' 3.33(c) witnesses regarding

the factual basis for the assertions in Respondents' Third and Fourth Additional Defenses

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

75. Atlantic is a subsidiary of Warner Communications. Atlantic is a label, engaged in the business of developing, acquiring, and producing recorded music. Atlantic operates primarily in the United States.

76. During 1998, recorded music products produced by Decca were distributed throughout the United States, primarily by PolyGram Distribution.

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

[Illegible text block]

98. Prior to 2000, the Decca released products in the United States on the London Records label.

99. The 1990 Three Tenors album was released in the United States on the London Records label.

100. The 1990 Three Tenors album became the best selling classical release of all time.

101. Universal Music Group entities and their predecessors, collectively have sold more than twelve million units of the 1990 Three Tenors album.

102. Universal Music Group entities and their predecessors, collectively have sold

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

103. On July 16, 1994, the Three Tenors performed at Dodger Stadium in Los Angeles, California on the eve of the final match of the World Cup.

104. In 1993, PolyGram sought to acquire from concert promoter Tibor Rudas the right to distribute audio and video recordings of the 1994 Three Tenors concert.

105. Warner acquired from concert promoter Tibor Rudas the right to distribute audio and video recordings of the 1994 Three Tenors concert.

106. The agreement between Rudas and Warner for the worldwide

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

for the release of Pavarotti from Pavarotti's exclusive contract were never released by Polygram.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

125. For calendar year 1998, Luciano Pavarotti was obligated by contract to record exclusively for PolyGram.

126. For calendar year 1998, Luciano Pavarotti was obligated by contract to record exclusively for PolyGram.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

127. For calendar year 1998, Luciano Pavarotti was obligated by contract to record exclusively for PolyGram.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

141. Complaint Counsel have elected to forego any challenge to the proposed

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

149 372 1882 produced and marketed by Warner without any consent letters

Polymers and Waxes containing Polymers of ethylene glycol

III. Stipulations of Law

1. To prove a Sherman Act Section 1 violation, the plaintiff must prove the following elements by a preponderance of the evidence:

separate entities;

(b) That unreasonably restrains trade; and

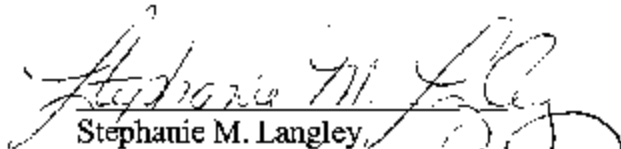
(c) Affects interstate or foreign commerce

CERTIFICATE OF SERVICE

I, Stephanie M. Langley, hereby certify that on February 21, 2002, I caused a copy of The Parties' First Set of Stipulations to be served upon the persons listed below by facsimile, U. S. Mail or Hand-Carried:

The Honorable James P. Timony
Chief Administrative Law Judge
Federal Trade Commission
600 Pennsylvania Avenue, NW
Room 112
Washington, DC 20580

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Stephanie M. Langley