

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

MELISSA FERRICK, et al.,

Plaintiffs,

vs.

SPOTIFY USA INC., et al.,

Defendants.

Case No. 1:16-cv-08412 (AJN)

DECLARATION OF DANIEL KANNER

I, Daniel Kanner, hereby declare and state as follows:

1. I am a business analyst in the Creator R&D organization at Spotify USA Inc. In that role and as part of my regular job functions, I am familiar with Spotify's catalog data and how to access and query that data. The following statements are based on my personal knowledge, and if called on to do so, I could and would testify competently thereto.

2. On November 9, 2017, I queried the databases containing Spotify's current catalog for the following five titles: "Lorraine's Car"; "Art Deco Fandango"; "Love Thy Customer"; "Harry Green"; and "Since You Say You Love Me." No songs matching any of these titles is currently available on the Spotify service, either in the United States or worldwide.

3. Subsequently, I also queried a version of the track database that I understand was created pursuant to the settlement agreement in this case and that includes the tracks that "Spotify can reasonably identify that Spotify made available on its service for interactive streaming and/or limited downloading during the Class Period" for the five titles listed in paragraph 2 above. I did not locate in the database any tracks with titles corresponding to any of

those five examples.

4. Accordingly, I was unable to find any tracks matching any of the five titles listed in paragraph 2 above that were available on Spotify's service in the U.S. at any time during the Class Period.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed this 13th day of November, 2017 in New York, New York.



Daniel Kanner