

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
Thurgood Marshall U.S. Courthouse 40 Foley Square, New York, NY 10007 Telephone: 212-857-8500

MOTION INFORMATION STATEMENT

Docket Number(s): 10-3270; 10-3342 Caption [use short title]

Motion for: Permission to file an oversized reply brief Football Association Premier League Ltd., et al. v. YouTube, Inc., et al., No. 10-3342-cv; Viacom Intl. Inc., et al. v. YouTube, Inc., et al., No. 10-3270-cv

Set forth below precise, complete statement of relief sought:

Plaintiffs-Appellants in 10-3270 (Viacom International Inc., et al.) and in 10-3342 (The Football Association Premier League Ltd., et al.) request permission to each file a 9,000 word reply brief.

MOVING PARTY: The Football Association Premier League Ltd., et al. OPPOSING PARTY: YouTube, Inc. et al.

- Plaintiff Defendant
Appellant/Petitioner Appellee/Respondent

MOVING ATTORNEY: Charles S. Sims OPPOSING ATTORNEY: Andrew H. Schapiro

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Court-Judge/Agency appealed from: United States District Court, Southern District of New York, Honorable Louis L. Stanton

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
Yes No (explain):

Opposing counsel's position on motion:
Unopposed Opposed Don't Know

Does opposing counsel intend to file a response:
Yes No Don't Know

Is oral argument on motion requested? Yes No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? Yes No If yes, enter date:

Signature of Moving Attorney: /s/ Charles S. Sims Date: April 14, 2011 Has service been effected? Yes No [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is GRANTED DENIED.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: By:

**IN THE
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT**

VIACOM INTERNATIONAL INC., et al.,

Plaintiffs-Appellants,

v.

YOUTUBE, INC., et al.

Defendants-Appellees.

Docket 10-3270-cv

THE FOOTBALL ASSOCIATION
PREMEIR LEAGUE LIMITED, et al.,

Plaintiffs-Appellants,

v.

YOUTUBE, INC., et al.

Defendants-Appellees.

Docket 10-3342-cv

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

**DECLARATION IN SUPPORT OF PLAINTIFFS-APPELLANTS' JOINT
MOTION TO FILE OVERSIZED REPLY BRIEFS**

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No. 10-3270*

I, Charles S. Sims, am a partner at Proskauer Rose LLP, counsel for plaintiffs-appellants The Football Association Premier League Limited, et al. (“Premier League”). I submit this declaration in support of the motion, pursuant to Federal Rule of Appellate Procedure 27 and Local Rules 27.1 and 31.2(c), by which Plaintiffs-Appellants in Case Number 10-3270, Viacom International Inc., Comedy Partners, Country Music Television, Inc., Paramount Pictures Corporation, and Black Entertainment Television LLC, and Plaintiffs-Appellants in Case Number 10-3342, The Football Association Premier League Ltd. et al. (collectively, “Appellants”) respectfully request an enlargement of the page limits for their reply briefs to 9,000 words each.

1. Appellants each filed an opening brief within the usual 14,000 word limit on December 3, 2010. Because of the “core of overlapping issues” raised in the two briefs, Defendants-Appellees YouTube, Inc., YouTube, LLC, and Google, Inc. (“Appellees”) elected to file a single response.

2. This Court had initially authorized Appellees to file a single brief of 18,000 words responding to the Appellants’ briefs in both of the above-captioned cases. YouTube requested a 3,000 word extension, contending that it needed more space to thoroughly address the arguments of all Appellants, which were “not entirely parallel.” On January 24, 2011, this Court granted Appellees’ motion for permission to file a single brief not to exceed 21,000 words.

3. On March 31, 2011, Appellees filed their brief, which contained 20,970 words. The vast majority of Appellees' brief raises arguments that Appellees claim are fully applicable to all Appellants. As a result, each reply brief must address a substantially longer response than usual.

4. As described in the parallel motion filed by the Viacom Plaintiffs-Appellants in Case Number 10-3270, because of the public importance of this case, thirteen *amicus-curiae* briefs with a combined length of over 75,000 words have also been filed in support of Appellees. The arguments raised in those briefs likewise require a response.

5. In light of the oversized brief filed by Appellees, and the number of *amicus-curiae* briefs, Appellants do not believe that they can fully respond to the arguments for affirmance in the usual 7,000 words. Modestly increasing the word limit to 9,000 words will benefit the Court by permitting a more thorough airing of the parties' positions.

6. Appellants' reply briefs are currently due April 28, 2011. Accordingly, this motion was filed at least 14 days prior to the date the brief is due, as required under Local Rule 27.1(e)(3).

7. Appellees have informed Appellants that they oppose Appellants' request for an expansion of the word limit and intend to file a response.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: April 15, 2011

Respectfully submitted,

/s/ Charles S. Sims

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 15th day of April, 2011, a true and correct copy of the foregoing Plaintiffs-Appellants' Joint Motion to File Oversized Reply Briefs was served on all counsel of record in this appeal via CM/ECF pursuant to Local Rule 25.1 (h)(1) & (2).

/s/ Charles S. Sims

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