

**UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT
CIVIL APPEAL PRE-ARGUMENT STATEMENT (FORM C)**

1. SEE NOTICE ON REVERSE.

2. PLEASE TYPE OR PRINT.

3. STAPLE ALL ADDITIONAL PAGES

Case Caption: THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, et al., on behalf of themselves and all others similarly situated, <p align="center">Plaintiffs-Appellants,</p> <p align="center">v.</p> YOUTUBE, INC., YOUTUBE, LLC AND GOOGLE, INC., <p align="center">Defendants-Appellees.</p> <p align="center">(see full caption attached)</p>		District Court or Agency: Southern District of New York Date the Order or Judgment Appealed from was Entered on the Docket: August 10, 2010 Date the Notice of Appeal was Filed: August 12, 2010	Judge: Hon. Louis L. Stanton District Court Docket No.: 1:07-cv-03582-LLS Is this a Cross Appeal? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Attorney(s) for Appellant(s): <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant	Counsel's Name: Address: Telephone No.: Fax No.: E-mail: Charles S. Sims, Esq. 1585 Broadway 212-969-3000 212-969-2900 csims@proskauer.com Proskauer Rose LLP New York, NY 10036 <p align="center">(see list of attorneys for appellants attached)</p>		
Attorney(s) for Appellee(s): <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant	Counsel's Name: Address: Telephone No.: Fax No.: E-mail: Andrew H. Schapiro, Esq. 1675 Broadway 212-506-2500 212-262-1910 aschapiro@mayerbrown.com Mayer Brown LLP New York, NY 10019 David H. Kramer, Esq. 650 Page Mill Road 650-493-9300 650-493-6811 dkramer@wsgr.com Wilson Sonsini Palo Alto, CA 94304 Goodrich & Rosati		
Has Transcript Been Prepared? No transcribed proceedings	Approx. Number of Transcript Pages: N/A	Number of Exhibits Appended to Transcript: N/A	Has this matter been before this Circuit previously? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide the following: Case Name: 2d Cir. Docket No.: Reporter Citation: (i.e., F.3d or Fed. App.)
ADDENDUM "A": COUNSEL MUST ATTACH TO THIS FORM: (1) A BRIEF, BUT NOT PERFUNCTORY, DESCRIPTION OF THE NATURE OF THE ACTION; (2) THE RESULT BELOW; (3) A COPY OF THE NOTICE OF APPEAL AND A CURRENT COPY OF THE LOWER COURT DOCKET SHEET; AND (4) A COPY OF ALL RELEVANT OPINIONS/ORDERS FORMING THE BASIS FOR THIS APPEAL, INCLUDING TRANSCRIPTS OF ORDERS ISSUED FROM THE BENCH OR IN CHAMBERS.			
ADDENDUM "B": COUNSEL MUST ATTACH TO THIS FORM A LIST OF THE ISSUES PROPOSED TO BE RAISED ON APPEAL, AS WELL AS THE APPLICABLE APPELLATE STANDARD OF REVIEW FOR EACH PROPOSED ISSUE.			
PART A: JURISDICTION			
1. <u>Federal Jurisdiction</u> <input type="checkbox"/> U.S. a party <input type="checkbox"/> Diversity <input checked="" type="checkbox"/> Federal question (U. S. not a party): _____ <input type="checkbox"/> Other (specify): _____		2. <u>Appellate Jurisdiction</u> <input checked="" type="checkbox"/> Final Decision <input type="checkbox"/> Order Certified by District Judge (i.e., Fed. R. Civ. P. 54(b)) <input type="checkbox"/> Interlocutory Decision Appealable As of Right <input type="checkbox"/> Other (specify): _____	

IMPORTANT. COMPLETE AND SIGN REVERSE SIDE OF THIS FORM.

PART B: DISTRICT COURT DISPOSITION (Check as many as apply)

<p><u>1. Stage of Proceedings</u></p> <input checked="" type="checkbox"/> Pre-trial <input type="checkbox"/> During trial <input type="checkbox"/> After trial	<p><u>2. Type of Judgment/Order Appealed</u></p> <table style="width:100%;"> <tr> <td><input type="checkbox"/> Default judgment</td> <td><input checked="" type="checkbox"/> Judgment / Decision of the Court</td> </tr> <tr> <td><input type="checkbox"/> Dismissal/jurisdiction</td> <td><input type="checkbox"/> Jury verdict</td> </tr> <tr> <td><input type="checkbox"/> Dismissal/merit</td> <td><input type="checkbox"/> Judgment NOV</td> </tr> <tr> <td><input checked="" type="checkbox"/> Summary judgment</td> <td><input type="checkbox"/> Directed verdict</td> </tr> <tr> <td><input type="checkbox"/> Declaratory judgment</td> <td><input type="checkbox"/> Other (specify):</td> </tr> </table>	<input type="checkbox"/> Default judgment	<input checked="" type="checkbox"/> Judgment / Decision of the Court	<input type="checkbox"/> Dismissal/jurisdiction	<input type="checkbox"/> Jury verdict	<input type="checkbox"/> Dismissal/merit	<input type="checkbox"/> Judgment NOV	<input checked="" type="checkbox"/> Summary judgment	<input type="checkbox"/> Directed verdict	<input type="checkbox"/> Declaratory judgment	<input type="checkbox"/> Other (specify):	<p><u>3. Relief</u></p> <table style="width:100%;"> <tr> <td><input checked="" type="checkbox"/> Damages:</td> <td><input checked="" type="checkbox"/> Injunctions:</td> </tr> <tr> <td><input type="checkbox"/> Sought: \$ _____</td> <td><input type="checkbox"/> Preliminary</td> </tr> <tr> <td><input type="checkbox"/> Granted: \$ _____</td> <td><input type="checkbox"/> Permanent</td> </tr> <tr> <td><input type="checkbox"/> Denied: \$ _____</td> <td><input type="checkbox"/> Denied</td> </tr> </table>	<input checked="" type="checkbox"/> Damages:	<input checked="" type="checkbox"/> Injunctions:	<input type="checkbox"/> Sought: \$ _____	<input type="checkbox"/> Preliminary	<input type="checkbox"/> Granted: \$ _____	<input type="checkbox"/> Permanent	<input type="checkbox"/> Denied: \$ _____	<input type="checkbox"/> Denied
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<input type="checkbox"/> Denied: \$ _____	<input type="checkbox"/> Denied																			

PART C: NATURE OF SUIT (Check as many as apply)

<p><u>1. Federal Statutes</u></p> <table style="width:100%;"> <tr> <td><input type="checkbox"/> Antitrust</td> <td><input type="checkbox"/> Communications</td> <td><input type="checkbox"/> Freedom of Information Act</td> </tr> <tr> <td><input type="checkbox"/> Bankruptcy</td> <td><input type="checkbox"/> Consumer Protection</td> <td><input type="checkbox"/> Immigration</td> </tr> <tr> <td><input type="checkbox"/> Banks/Banking</td> <td><input checked="" type="checkbox"/> Copyright</td> <td><input type="checkbox"/> Labor</td> </tr> <tr> <td><input type="checkbox"/> Civil Rights</td> <td><input type="checkbox"/> Patent</td> <td><input type="checkbox"/> OSHA</td> </tr> <tr> <td><input type="checkbox"/> Commerce,</td> <td><input type="checkbox"/> Trademark</td> <td><input type="checkbox"/> Securities</td> </tr> <tr> <td><input type="checkbox"/> Energy</td> <td><input type="checkbox"/> Election</td> <td><input type="checkbox"/> Tax</td> </tr> <tr> <td><input type="checkbox"/> Commodities</td> <td><input type="checkbox"/> Soc. Security</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Other (specify):</td> <td><input type="checkbox"/> Environmental</td> <td></td> </tr> </table>	<input type="checkbox"/> Antitrust	<input type="checkbox"/> Communications	<input type="checkbox"/> Freedom of Information Act	<input type="checkbox"/> Bankruptcy	<input type="checkbox"/> Consumer Protection	<input type="checkbox"/> Immigration	<input type="checkbox"/> Banks/Banking	<input checked="" type="checkbox"/> Copyright	<input type="checkbox"/> Labor	<input type="checkbox"/> Civil Rights	<input type="checkbox"/> Patent	<input type="checkbox"/> OSHA	<input type="checkbox"/> Commerce,	<input type="checkbox"/> Trademark	<input type="checkbox"/> Securities	<input type="checkbox"/> Energy	<input type="checkbox"/> Election	<input type="checkbox"/> Tax	<input type="checkbox"/> Commodities	<input type="checkbox"/> Soc. Security		<input type="checkbox"/> Other (specify):	<input type="checkbox"/> Environmental		<p><u>2. Torts</u></p> <input type="checkbox"/> Admiralty/ Maritime <input type="checkbox"/> Assault / Defamation <input type="checkbox"/> FELA <input type="checkbox"/> Products Liability <input type="checkbox"/> Other (Specify):	<p><u>3. Contracts</u></p> <input type="checkbox"/> Admiralty/ Maritime <input type="checkbox"/> Arbitration <input type="checkbox"/> Commercial <input type="checkbox"/> Employment <input type="checkbox"/> Insurance <input type="checkbox"/> Negotiable Instruments <input type="checkbox"/> Other Specify	<p><u>4. Prisoner Petitions</u></p> <input type="checkbox"/> Civil Rights <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Mandamus <input type="checkbox"/> Parole <input type="checkbox"/> Vacate Sentence <input type="checkbox"/> Other
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<input type="checkbox"/> Other (specify):	<input type="checkbox"/> Environmental																										
<p><u>5. Other</u></p> <input type="checkbox"/> Forfeiture/Penalty <input type="checkbox"/> Real Property <input type="checkbox"/> Treaty (specify): _____ <input type="checkbox"/> Other (specify): _____	<p><u>6. General</u></p> <input type="checkbox"/> Arbitration <input type="checkbox"/> Attorney Disqualification <input type="checkbox"/> Class Action <input type="checkbox"/> Counsel Fees <input type="checkbox"/> Shareholder Derivative <input type="checkbox"/> Transfer	<p><u>7. Will appeal raise constitutional issue(s)?</u> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Will appeal raise a matter of first impression? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>																									

1. Is any matter relative to this appeal still pending below? Yes, specify: _____ No

2. To your knowledge, is there any case presently pending or about to be brought before this Court or another court or administrative agency which:

(A) Arises from substantially the same case or controversy as this appeal? Yes No

(B) Involves an issue that is substantially similar or related to an issue in this appeal? Yes No

If yes, state whether "A," or "B," or both are applicable, and provide in the spaces below the following information on the *other* action(s):

Case Name: Viacom International, Inc., et al. v. YouTube, Inc., et al.	Docket No. 1:07-cv-02103-LLS	Citation: --- F.Supp.2d ----, 2010 WL 2532404 (S.D.N.Y.)	Court or Agency: United States District Court for the Southern District of New York
Name of Appellant: Viacom International, Inc., Comedy Partners, Country Music Television, Inc., Paramount Pictures Corporation, and Black Entertainment Television, LLC			

Date: 8/26/10	Signature of Counsel of Record: /s/ Charles S. Sims
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NOTICE TO COUNSEL

Once you have filed your Notice of Appeal with the District Court or the Tax Court, you have only 14 days in which to complete the following important steps:

1. Complete this Civil Appeal Pre-Argument Statement (Form C); serve it upon all parties, and file the original with the Clerk of the Second Circuit.
2. File the original of the Court of Appeals Transcript Information/Civil Appeal Form (Form D) with the Clerk of the Second Circuit.
3. Pay the \$455 docketing fee to the Clerk of the United States District Court, unless you are authorized to prosecute the appeal without payment.

PLEASE NOTE: IF YOU DO NOT COMPLY WITH THESE REQUIREMENTS WITHIN 14 DAYS, YOUR APPEAL WILL BE DISMISSED. SEE LOCAL RULE 12.1.

FULL CAPTION

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

----- X
THE FOOTBALL ASSOCIATION PREMIER :
LEAGUE LIMITED, BOURNE CO. (together :
with its affiliate MURBO MUSIC PUBLISHING, :
INC.), CHERRY LANE MUSIC PUBLISHING :
COMPANY, INC., CAL IV ENTERTAINMENT : 07 Civ. 3582 (LLS)
LLC, ROBERT TUR d/b/a LOS ANGELES : (related case no. 07 Civ. 2103 (LLS), the
NEWS SERVICE, NATIONAL MUSIC : "*Viacom* action")
PUBLISHERS' ASSOCIATION, THE :
RODGERS & HAMMERSTEIN : **ECF CASE**
ORGANIZATION, STAGE THREE MUSIC :
(US), INC., EDWARD B. MARKS MUSIC :
COMPANY, FREDDY BIENSTOCK MUSIC :
COMPANY d/b/a BIENSTOCK PUBLISHING :
COMPANY, ALLEY MUSIC CORPORATION, :
X-RAY DOG MUSIC, INC., FÉDÉRATION :
FRANÇAISE DE TENNIS, THE MUSIC FORCE :
MEDIA GROUP LLC, THE MUSIC FORCE :
LLC, and SIN-DROME RECORDS, LTD. on :
behalf of themselves and all others similarly :
situated, :
:
Plaintiffs, :
:
v. :
:
YouTube, Inc., YouTube, LLC And Google, Inc., :
:
Defendants. :
----- X

ATTORNEYS FOR PLAINTIFFS/APPELLANTS

Plaintiff/Appellant	Counsel's Name	Address	Telephone No.	Fax No.	E-mail
The Football Association Premier League Limited, Bourne Co., Murbo Music Publishing, Inc., Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., and Fédération Française de Tennis and Proposed Class Counsel For The Prospective Class	Charles S. Sims, Esq. Proskauer Rose LLP	1585 Broadway, New York, NY 10036	212-969-3000	212-969-2900	csims@proskauer.com
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Plaintiff/Appellant	Counsel's Name	Address	Telephone No.	Fax No.	E-mail
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	David S. Stellings, Esq. Lief Cabraser Heimann & Bernstein, LLP	250 Hudson Street, 8th Floor, New York, NY 10017-2024	212-355-9500	212-355-9592	dstellings@lchb.com
The Music Force Media Group LLC, The Music Force LLC, and Sin-Drome Records, Ltd.	Christopher Lovell, Esq. Lovell Stewart Halebian LLP	61 Broadway, Suite 501, New York, New York 10110	212-608-1900	212-719-4677	clovell@lshllp.com
	Jeffrey L. Graubart, Esq. Law Offices Of Jeffrey L. Graubart	350 West Colorado Boulevard, Suite 200, Pasadena, California 91105-1855	626-304-2800	626-304-2807	jlg@jlgraubart.com
	Steve D'Onofrio, Esq.	5335 Wisconsin Avenue, N.W. Suite 950, Washington, D.C. 20015	202-686-2872	202-686-2875	sdonofrio@mindspring.com

ADDENDUM “A”

TO CIVIL APPEAL PRE-ARGUMENT STATEMENT

(1) Nature of this Action

This appeal seeks the reversal of the district court’s opinion and order granting defendants’ motion for summary judgment, which rested on its conclusion that they qualify for the protection of 17 U.S.C. § 512(c) (the “DMCA safe harbor”) from all of plaintiffs’ claims for copyright infringement, and denying plaintiffs’ motion for partial summary judgment that on the undisputed facts defendants do not qualify for the DMCA safe harbor.

Plaintiffs are copyright owners whose works have been copied and distributed without authorization on the YouTube website, which is owned and operated by defendants. The YouTube website features videos that are uploaded by users, and which are then copied, indexed, tracked and exploited by defendants in various media, including on third party platforms licensed by defendants such as mobile phones and television. The success of the YouTube website is largely owed to the presence of plaintiffs’ (and other like copyright owners’) unauthorized content, which drew and continues to draw large audiences to YouTube. Defendants generate revenues by showing advertisements to audiences who search for and watch the videos on the YouTube website (or on other media platforms where YouTube’s videos are shown) including videos that infringe plaintiffs’ works. Plaintiffs asserted direct and secondary copyright infringement claims against defendants on their own behalf and on behalf of a proposed class of content owners.

Defendants asserted that, among other things, they qualify for the protection of the DMCA safe harbor. The DMCA safe harbor limits defendants’ liability for copyright infringement only if defendants can show, among other things, that (1) the infringements occurred by reason of the storage of content at the direction of a user; (2) defendants did not have

actual knowledge of the infringements and were not aware of facts and circumstances from which the infringing activity was apparent; and (3) defendants did not have the right and ability to control the infringements in a case in which they received a direct financial benefit from the infringements. *See* 17 U.S.C. § 512(c).

This action is related to the action entitled *Viacom International Inc., et al. v. YouTube, Inc. et al.*, 07 Civ. 2103 (LLS) (the “*Viacom* action”). Discovery in the two actions was coordinated. Plaintiffs in both actions moved for summary judgment that defendants did not qualify for the DMCA safe harbor on the grounds that, among other things, defendants knew about, were aware of and exploited widespread and obvious infringing activity on the YouTube website, including infringements of plaintiffs’ content; had the right and ability to control that content by mitigating the infringements of plaintiffs’ works on YouTube but chose not to; and deliberately denied plaintiffs access to tools for halting infringements that were made available to favored content owners, including those that agreed to license their content for exploitation on YouTube. Defendants moved for summary judgment against all of plaintiffs’ direct and secondary infringement claims in this action and the *Viacom* action on the ground that, among other things, defendants were entitled to the DMCA safe harbor unless plaintiffs could show they had individualized knowledge of specific infringing video clips, and despite such knowledge did nothing to remove those specific clips.

The parties submitted hundreds of pages of memoranda and affidavits, and hundreds of exhibits. Plaintiffs in this action also relied on declarations and exhibits submitted by the plaintiffs in the *Viacom* action. A number of *amici curiae* filed memoranda of law in support of plaintiffs’ and defendants’ positions. The parties requested oral argument on the motions.

(2) The Result Below

Within three weeks of the conclusion of briefing on the motions, without hearing oral argument, and without addressing (or even noting the existence of) extensive evidence submitted by the plaintiffs in opposition to defendants' motions, the district court issued a June 23, 2010 opinion and order in both this action and the related *Viacom* action holding that, among other things:

- a) the only type of actual or constructive knowledge or awareness that could disqualify defendants from the DMCA safe harbor, pursuant to 17 U.S.C. 512(c)(1)(A), was “knowledge of specific and identifiable infringements of particular individual items”;
- b) the right and ability to control prong of the DMCA safe harbor (17 U.S.C. 512(c)(1)(B)) also requires proof of “item-specific” knowledge of infringements;
- c) defendants were entitled to the protections of the DMCA safe harbor by virtue of having responded to formal “takedown” notices pursuant to 17 U.S.C. 512(c)(1)(C);
- d) defendants appropriately responded to takedown notices by removing only the specific clips identified therein, and not other clips which infringe the same works;
- e) although “a jury could find that the defendants not only were generally aware of, but welcomed, copyright-infringing material being placed on their website,” evidence of defendants' inducement of infringement had no bearing on their entitlement to the protections of the safe harbor;
- f) defendants are not disqualified from the threshold requirement of 512(c) by virtue of storing and providing access to audiovisual content uploaded by users; and
- g) defendants reasonably implemented a repeat infringer policy pursuant to 17 U.S.C. 512(i)(1)(A).

Based on the above holdings the opinion and order granted defendants summary judgment that they are protected by the DMCA safe harbor against all of plaintiffs' direct and secondary copyright infringements claims, and denied plaintiffs' motion for partial summary judgment. The opinion and order did not directly address plaintiffs' evidence and arguments that, among other things, defendants' had "item-specific" knowledge of plaintiffs' infringements; willfully blinded themselves to such knowledge; employed tools to identify and track plaintiffs' content for strategic business purposes, but denied plaintiffs access to such tools; and did far more than store and provide access to plaintiffs' unauthorized content. On August 10, 2010 the district court entered final judgment for defendants and against plaintiffs on all of plaintiffs' claims.

(3) Notice of Appeal and Lower Court Docket Sheet

Attached as Exhibit 1 is a copy of the notice of appeal filed by plaintiffs on August 12, 2010. Attached as Exhibit 2 is a copy of the current district court docket sheet, dated August 26, 2010.

(4) Relevant Opinions/Orders Forming the Basis for the Appeal

Attached as Exhibit 3 is a copy of the lower court's June 23, 2010 Opinion and Order, granting defendants' summary judgment motion and denying plaintiffs'. Attached as Exhibit 4 is a copy of the district court's final judgment entered on August 10, 2010.

Exhibit 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- X

THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, BOURNE CO. (together with its affiliate MURBO MUSIC PUBLISHING, INC.), CHERRY LANE MUSIC PUBLISHING COMPANY, INC., CAL IV ENTERTAINMENT LLC, ROBERT TUR d/b/a LOS ANGELES NEWS SERVICE, NATIONAL MUSIC PUBLISHERS' ASSOCIATION, THE RODGERS & HAMMERSTEIN ORGANIZATION, STAGE THREE MUSIC (US), INC., EDWARD B. MARKS MUSIC COMPANY, FREDDY BIENSTOCK MUSIC COMPANY d/b/a BIENSTOCK PUBLISHING COMPANY, ALLEY MUSIC CORPORATION, X-RAY DOG MUSIC, INC., FÉDÉRATION FRANÇAISE DE TENNIS, THE MUSIC FORCE MEDIA GROUP LLC, THE MUSIC FORCE LLC, and SIN-DROME RECORDS, LTD. on behalf of themselves and all others similarly situated,	:	
	:	07 Civ. 3582 (LLS)
	:	(related case no. 07 Civ. 2103 (LLS), the "Viacom action")
	:	
	:	<u>ECF CASE</u>
	:	
	:	<u>NOTICE OF APPEAL</u>
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
YOUTUBE, INC., YOUTUBE, LLC and GOOGLE, INC.,	:	
	:	
Defendants.	:	
-----	:	X

2010 AUG 12 PM 1:50
 S.D. OF N.Y.
 REC'D
 100 N. MORTIMER ST.

PLEASE TAKE NOTICE THAT plaintiffs The Football Association Premier League Limited, Bourne Co. (together with its affiliate Murbo Music Publishing, Inc.), Cherry Lane Music Publishing Company, Inc., Cal IV Entertainment LLC, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Stage Three Music (US), Inc., Edward B. Marks Music Company, Freddy Bienstock Music Company d/b/a Bienstock Publishing

011803 455 AUG 12 2010

Company, Alley Music Corporation, X-Ray Dog Music, Inc., Fédération Française De Tennis, The Music Force Media Group LLC, The Music Force LLC, and Sin-Drome Records, Ltd. hereby appeal to the United States Court of Appeals for the Second Circuit from the final judgment entering judgment for defendants and against plaintiffs on all of plaintiffs' claims, dated August 9, 2010 and entered on August 10, 2010, and from each and every part of that judgment and from each order or paper subsumed within that judgment as well as all antecedent interlocutory orders entered in this case, including, but not limited to, the court's opinion and order dated June 23, 2010 granting defendants' motion for summary judgment that they qualify for the protection of 17 U.S.C. § 512(c) against all of plaintiffs' claims for direct and secondary copyright infringement, and denying plaintiffs' motion for partial summary judgment against defendants' defense under 17 U.S.C. § 512(c).

Dated: New York, New York
August 12, 2010

Respectfully submitted,



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Attorneys for Defendants

Exhibit 2

CLOSED, APPEAL, ECF, RELATED

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-03582-LLS

The Football Association Premier League Limited et al v.
Youtube, Inc. et al
Assigned to: Judge Louis L. Stanton
Related Case: 1:07-cv-02103-LLS
Cause: 17:101 Copyright Infringement

Date Filed: 05/04/2007
Date Terminated: 08/10/2010
Jury Demand: Both
Nature of Suit: 820 Copyright
Jurisdiction: Federal Question

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on behalf of themselves and all others similarly situated

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Date Filed	#	Docket Text
05/04/2007	<u>1</u>	COMPLAINT against Google, Inc., Youtube, Inc., Youtube, LLC. (Filing Fee \$ 350.00, Receipt Number 614018) Document filed by The Football Association Premier League Limited, Bourne Co..(tro) (Entered: 05/07/2007)
05/04/2007		SUMMONS ISSUED as to Google, Inc., Youtube, Inc., Youtube, LLC. (tro) (Entered: 05/07/2007)
05/04/2007		CASE REFERRED TO Judge Louis L. Stanton as possibly related to 1:07-cv-2103. (tro) (Entered: 05/07/2007)
05/04/2007		Case Designated ECF. (tro) (Entered: 05/07/2007)
05/04/2007	<u>2</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Bourne Co..(tro) (Entered: 05/07/2007)
05/04/2007	<u>3</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The Football Association Premier League Limited.(tro) Additional attachment(s) added on 5/9/2007 (Rodriguez, Tiffany). (Entered: 05/07/2007)
05/04/2007		Mailed notice to Register of Copyrights to report the filing of this action. (tro) (Entered: 05/07/2007)
05/14/2007	<u>4</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Youtube, Inc. served on 5/7/2007, answer due 5/28/2007. Service was accepted by Rhonda McCarty, Authorized Agent, CSC Lawyers, Inc.. Document filed by The Football Association Premier League Limited. (Solomon, Louis) (Entered: 05/14/2007)
05/14/2007	<u>5</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Youtube, LLC served on 5/7/2007, answer due 5/28/2007. Service was accepted by Magaret Wilson, Process Specialist, CT Corporation. Document filed by The Football Association Premier League Limited; Bourne Co.. (Solomon, Louis) (Entered: 05/14/2007)
05/14/2007	<u>6</u>	AFFIDAVIT OF SERVICE of Summons and Complaint. Google, Inc. served on 5/7/2007, answer due 5/28/2007. Service was accepted by Amy Lesch, Authorized Agent. Document filed by The Football Association Premier League Limited; Bourne Co.. (Solomon, Louis) (Entered: 05/14/2007)
05/15/2007	<u>7</u>	NOTICE OF APPEARANCE by Tonia Maria Ouellette Klausner on behalf of Google, Inc., Youtube, Inc., Youtube, LLC (Klausner, Tonia Maria) (Entered: 05/15/2007)
05/15/2007	<u>8</u>	STIPULATION AND ORDER: Defendants, having acknowledged service of process upon each of them, shall have until 7/5/2007, to move against or respond to the complaint. The parties agree that the extention shall not prejudice or be claimed to affect plts' stated intention to coordinat this action and the action Viacom Int'l Inc. v. YouTube, Inc. et al., 07cv2103(SDNY). SO ORDERED. (Signed by Judge Sidney H. Stein on 5/15/2007) (jar) (Entered: 05/16/2007)

05/15/2007		Set Answer Due Date purs. to <u>8</u> Stipulation and Order, as to Google, Inc. answer due on 7/5/2007; Youtube, Inc. answer due on 7/5/2007; Youtube, LLC answer due on 7/5/2007. (jar) (Entered: 05/16/2007)
05/16/2007		CASE ACCEPTED AS RELATED. Create association to 1:07-cv-02103-LLS. Notice of Assignment to follow. (laq) (Entered: 05/30/2007)
05/16/2007	<u>12</u>	NOTICE OF CASE ASSIGNMENT to Judge Louis L. Stanton. Judge Unassigned is no longer assigned to the case. (laq) (Entered: 05/30/2007)
05/16/2007		Magistrate Judge Frank Maas is so designated. (laq) (Entered: 05/30/2007)
05/18/2007	<u>9</u>	STIPULATION AND ORDER by and between the undersigned that Defendants, having acknowledged service of process upon each of them. shall have until July 5 2007, to move against or otherwise respond to the complaint. The parties agree that the foregoing extension shall not prejudice or be claimed to affect plaintiffs' stated intention to coordinate this action and the action styled Viacom Int'l Inc. V. YouTube, Inc., et al., 07 Civ. 02103 (S.D.N.Y.) (LLS) (the "Viacom Action") (Signed by Judge Louis L. Stanton on 5/14/2007) (Signed by Judge Louis L. Stanton on 5/14/2007) (jmi) Additional attachment(s) added on 5/21/2007 (Miles, Janeen). Modified on 6/4/2007 (Miles, Janeen). (Entered: 05/21/2007)
05/21/2007	<u>10</u>	NOTICE of Withdrawal of Jerry L. Dasti of Proskauer Rose LLP As Counsel of Record For Lead Plaintiffs The Football Association Premier League Limited And Bourne Co. And The Prospective Plaintiff Class. Document filed by The Football Association Premier League Limited, Bourne Co.. (Dasti, Jerry) (Entered: 05/21/2007)
05/21/2007	<u>11</u>	ORDER: Scheduling Conference set for 7/27/2007 11:30 AM before Judge Louis L. Stanton. SO ORDERED. (Signed by Judge Louis L. Stanton on 5/21/2007) (jar) (Entered: 05/22/2007)
05/31/2007	<u>13</u>	NOTICE OF APPEARANCE by Christopher Lovell on behalf of The Music Force LLC (Lovell, Christopher) (Entered: 05/31/2007)
07/02/2007	<u>14</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from John P. Coffey dated 6/29/07 re: We write to jointly as co-counsel in this action for PL/B Plaintiffs and the prospective Class. We seek to leave to file a motion to appoint Proskauer Rose LLP. and Bernstein Litowitz Berger & Grossman LLP. interim Class counsel in this action. FRCP 23(g)(2)(A) ("The Court may designate interim counsel to act on behalf of the putative Class before determining whether to certify the action as a class action). ENDORSEMENT: Leave to file the motion is GRANTED. So Ordered. (Signed by Judge Louis L. Stanton on 6/29/07) (js) (Entered: 07/03/2007)
07/03/2007	<u>15</u>	ORDER TO SHOW CAUSE; defendants You Tube, Inc., YouTube, LLC, and Google, Inc. and all other interested parties shall show cause as to why the Court should not enter an order approving the schedule requested in the letter submitted by plaintiffs to the Honorable Judge Louis L. Stanton on 6/29/2007, which requested leave to file a motion to designate Proskauer Rose LLP and Bernstein Litowitz Berger & Grossman LLP as Interim Class Counsel pursuant to FRCP 23(g)(2)(A). Show Cause Hearing set for 7/10/2007 at 3:00 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Louis L. Stanton. (Signed by Judge Louis L. Stanton on 7/3/07) (kco) (Entered: 07/05/2007)
07/05/2007	<u>16</u>	MEMORANDUM OF LAW <i>in support of Motion for Appointment of Interim Class Counsel Pursuant to FED.R.CIV.P.23(g)(2)(A)</i> . Document filed by The Football Association Premier League Limited, Bourne Co.. (Solomon, Louis) (Entered: 07/05/2007)
07/05/2007	<u>17</u>	DECLARATION of John P. Coffey and Louis Solomon <i>in Support of Motion for Appointment of Interim Class Counsel Pursuant to FED.R.CIV.P.23(G)(2)(A)</i> . Document filed by The Football Association Premier League Limited, Bourne Co.. (Attachments: # <u>1</u> Exhibit # <u>2</u> Exhibit # <u>3</u> Exhibit # <u>4</u> Exhibit # <u>5</u> Exhibit)(Solomon, Louis) (Entered: 07/05/2007)
07/05/2007	<u>18</u>	NOTICE OF APPEARANCE by Emily Alice Smith on behalf of Google, Inc., Youtube, Inc., Youtube, LLC (Smith, Emily) (Entered: 07/05/2007)

07/06/2007	<u>19</u>	STIPULATION AND ORDER; plaintiffs in this action and counsel for plaintiff Cal IV in the Tennessee action shall serve any supplemental papers on the motion by 7/11/2007; defendants shall serve any papers concerning said motion by 7/19/2007; and any replies from plaintiffs or other interested parties shall be served on or before 7/25/2007. Accordingly, the Court conference scheduled for 7/10/2007 is adjourned. (Signed by Judge Louis L. Stanton on 7/5/07) (kco) (Entered: 07/09/2007)
07/06/2007	26	DECLARATION of John Coffey and Louis Solomon in support of motion for appointment of Interim Class Counsel. Document filed by The Football Association Premier League Limited, Bourne Co. (cd) (Entered: 07/13/2007)
07/06/2007	27	MEMORANDUM OF LAW in Support of Motion for Appointment of Interim Class Counsel. Document filed by The Football Association Premier League Limited, Bourne Co. (cd) (Entered: 07/13/2007)
07/09/2007	<u>20</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(Klausner, Tonia Maria) (Entered: 07/09/2007)
07/09/2007	<u>21</u>	ANSWER to Complaint. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(Klausner, Tonia Maria) (Entered: 07/09/2007)
07/09/2007	<u>22</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Tonia Klausner dated 7/5/07 re: defts YouTube and Google request for a pre motion conference. ENDORSEMENT: the complaint is sufficiently definitive to be readily susceptible to answer, without need for a more definite statement. Defts' time is extended to 7/9. (Signed by Judge Louis L. Stanton on 7/6/07) (cd). (Entered: 07/10/2007)
07/11/2007	<u>23</u>	NOTICE OF APPEARANCE by Jonathan K. Levine on behalf of Cal IV Entertainment, LLC (Levine, Jonathan) (Entered: 07/11/2007)
07/11/2007	<u>24</u>	MEMORANDUM OF LAW in Support re: <u>16</u> Memorandum of Law, <u>17</u> Declaration, <u>15</u> Order to Show Cause,, <u>19</u> Stipulation and Order, Terminate Hearings, Set Motion and RRDeadlines/Hearings, Set Deadlines/Hearings,,,, <i>Plaintiffs' Supplemental Memorandum of Law-Together With Four Additional Supporting Declarations-In Support of Motion for Appointment of Interim Class Counsel Pursuant to Fed. R. Civ. P. 23(g)(2)(A)</i> . Document filed by The Football Association Premier League Limited, Bourne Co.. (Attachments: # <u>1</u> Exhibit A-Declaration Of Robert Tur In Support# <u>2</u> Exhibit B Declaration of Daniel Hill in Support# <u>3</u> Exhibit C Declaration of David J. Grisman in Support# <u>4</u> Exhibit D Declaration of Henry Marx on Behalf of the The Music Force LLC in Support)(Solomon, Louis) (Entered: 07/11/2007)
07/11/2007	<u>25</u>	RESPONSE re: <u>16</u> Memorandum of Law <i>Response of Cal IV Entertainment, LLC In Support Of Plaintiffs' Motion For Appointment Of Interim Class Counsel Pursuant To Fed. R. Civ. P. 23(g)(2)(A)</i> . Document filed by Cal IV Entertainment, LLC. (Attachments: # <u>1</u> Affidavit Declaration Of Daniel Hill In Support)(Levine, Jonathan) (Entered: 07/11/2007)
07/19/2007	<u>28</u>	RESPONSE re: <u>16</u> Memorandum of Law <i>Defendants' Response to Plaintiffs' Motion for Appoinment of Interim Class Counsel</i> . Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Klausner, Tonia Maria) (Entered: 07/19/2007)
07/24/2007	<u>29</u>	MOTION for Mark S. Ouweleen to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(jco) (Entered: 07/26/2007)
07/24/2007	<u>30</u>	MOTION for Shayna S. Cook to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(jco) (Entered: 07/26/2007)
07/24/2007	<u>31</u>	MOTION for Rebecca Weinstein Bacon to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(jco) Additional attachment(s) added on 7/27/2007 (Correa, Julie). (Entered: 07/26/2007)
07/24/2007	<u>32</u>	MOTION for Philip S. Beck to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(jco) (Entered: 07/26/2007)

07/24/2007	<u>33</u>	MOTION for Carrie A. Jablonski to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(jco) (Entered: 07/26/2007)
07/25/2007	<u>41</u>	MOTION for David H. Kramer to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (jco) Additional attachment(s) added on 8/7/2007 (Correa, Julie). (Entered: 08/07/2007)
07/25/2007	<u>42</u>	MOTION for Keith E. Eggleton to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(jco) (Entered: 08/07/2007)
07/27/2007	<u>34</u>	ORDER APPOINTING INTERIM CLASS COUNSEL; plaintiff's motion for appointment of interim class counsel pursuant to FRCP 23(g)(2)(A) is granted and Proskauer Rose LLP and Bernstein Litowitz Berger & Grossman LLP are designated interim counsel to act on behalf of the putative class. (Signed by Judge Louis L. Stanton on 7/27/07) (kco) (Entered: 07/30/2007)
07/27/2007		Minute Entry for proceedings held before Judge Louis L. Stanton : Initial Pretrial Conference held on 7/27/2007. Pretrial Conference set for 8/6/2007 at 03:00 PM in Courtroom 21C, 500 Pearl Street, New York, NY 10007 before Judge Louis L. Stanton. (db) (Entered: 08/02/2007)
07/30/2007		CASHIERS OFFICE REMARK on <u>33</u> Motion to Appear Pro Hac Vice, <u>32</u> Motion to Appear Pro Hac Vice, <u>29</u> Motion to Appear Pro Hac Vice, <u>31</u> Motion to Appear Pro Hac Vice, <u>30</u> Motion to Appear Pro Hac Vice in the amount of \$125.00, paid on 07/24/2007, Receipt Number 622076. (jd) (Entered: 07/30/2007)
07/31/2007	<u>35</u>	NOTICE OF WITHDRAWAL of Jerry L. Dasti of Proskauer Rose LLP as counsel of record for lead plaintiffs The Football Association Premier League Limited and Bourne Co. and the prospective plaintiff class. So ordered. (Signed by Judge Louis L. Stanton on 7/30/07) (cd) (Entered: 08/01/2007)
08/02/2007		CASHIERS OFFICE REMARK in the amount of \$50.00, paid on 07/25/2007, Receipt Number 622172. Paid Pro Hac Vice for David H. Kramer and Keith E. Eggleton. (jd) (Entered: 08/02/2007)
08/06/2007	<u>36</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION. Attorney Shayna Susanne Cook for Google, Inc. and Youtube, Inc. admitted Pro Hac Vice. This action has been assigned to the Electronic Case Filing (ECF) system and as such, counsel shall immediately register for an ECF password. (Signed by Judge Louis L. Stanton on 8/6/07) (tro) (Entered: 08/07/2007)
08/06/2007	<u>37</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION. Attorney Philip S. Beck for Google, Inc. and Youtube, Inc. admitted Pro Hac Vice. This action has been assigned to the Electronic Case Filing (ECF) system and as such, counsel shall immediately register for an ECF password. (Signed by Judge Louis L. Stanton on 8/6/07) (tro) (Entered: 08/07/2007)
08/06/2007	<u>38</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION. Attorney Carrie A. Jablonski for Google, Inc. and Youtube, Inc. admitted Pro Hac Vice. This action has been assigned to the Electronic Case Filing (ECF) system and as such, counsel shall immediately register for an ECF password. (Signed by Judge Louis L. Stanton on 8/6/07) (tro) (Entered: 08/07/2007)
08/06/2007	<u>39</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION. Attorney Rebecca Weinstein Bacon for Google, Inc. and Youtube, Inc. admitted Pro Hac Vice. This action has been assigned to the Electronic Case Filing (ECF) and as such, counsel shall immediately register for an ECF password. (Signed by Judge Louis L. Stanton on 8/6/07) (tro) (Entered: 08/07/2007)
08/06/2007	<u>40</u>	MEMO ENDORSEMENT on re: <u>29</u> MOTION for Mark S. Ouweleen to Appear Pro Hac Vice. filed by Youtube, LLC, Youtube, Inc., Google, Inc. ENDORSEMENT: Granted. No opposition. So ordered. (Signed by Judge Louis L. Stanton on 8/6/07) (tro) (Entered: 08/07/2007)
08/06/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>38</u> Order Admitting Attorney Pro Hac Vice, <u>37</u> Order Admitting Attorney Pro Hac Vice, <u>40</u> Memo Endorsement, <u>36</u> Order Admitting Attorney Pro Hac Vice, <u>39</u> Order Admitting Attorney Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney

		Information. (tro) (Entered: 08/07/2007)
08/09/2007	<u>43</u>	JOINT RULE 16(b) SCHEDULING ORDER:Amended Pleadings due by 12/31/2007. Deposition due by 12/7/2008. Discovery due by 12/7/2008. (Signed by Judge Louis L. Stanton on 8/8/07) (jco) (Entered: 08/13/2007)
08/13/2007	<u>44</u>	MEMO ENDORSEMENT granting <u>42</u> Motion for Keith E. Eggleton to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 8/10/07) (js) (Entered: 08/14/2007)
08/13/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>44</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 08/14/2007)
08/13/2007	<u>45</u>	MEMO ENDORSEMENT granting <u>41</u> Motion for David H. Kramer to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 8/10/07) (js) (Entered: 08/14/2007)
08/13/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>45</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (js) (Entered: 08/14/2007)
08/22/2007	<u>46</u>	MOTION for John H. Hinderaker to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(jco) (Entered: 08/28/2007)
08/23/2007	<u>47</u>	MOTION for James J. Hartnett, IV to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(jco) (Entered: 08/28/2007)
08/31/2007		CASHIERS OFFICE REMARK on <u>47</u> Motion to Appear Pro Hac Vice, <u>46</u> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 08/23/2007, Receipt Number 625287. (jd) (Entered: 08/31/2007)
09/11/2007	<u>48</u>	NOTICE OF APPEARANCE by Christopher Michael McGrath on behalf of The Music Force LLC (McGrath, Christopher) (Entered: 09/11/2007)
09/11/2007	<u>49</u>	NOTICE OF APPEARANCE by Jeffrey Lowell Graubart on behalf of The Music Force LLC (Graubart, Jeffrey) (Entered: 09/11/2007)
09/11/2007	<u>50</u>	NOTICE OF APPEARANCE by Steven John D'Onofrio on behalf of The Music Force LLC (D'Onofrio, Steven) (Entered: 09/11/2007)
09/12/2007	<u>51</u>	ORDER granting <u>46</u> Motion for John H. Hinderaker to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 9/11/07) (kco) (Entered: 09/12/2007)
09/12/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>51</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (kco) (Entered: 09/12/2007)
09/12/2007	<u>52</u>	ORDER granting <u>47</u> Motion for James J. Hartnett to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 9/11/07) (kco) (Entered: 09/12/2007)
09/12/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>52</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (kco) (Entered: 09/12/2007)
09/27/2007	<u>53</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed by and between the undersigned attorneys for the respective parties that the parties shall have until October 5, 2007 to stipulate to an ESI Plan. (Signed by Judge Louis L. Stanton on 9/26/2007) (jpo) (Signed by Judge Louis L. Stanton on 9/25/2007) (jpo) (Entered: 09/27/2007)
10/12/2007		***DELETED DOCUMENT. Deleted document number [Protective Order] 54. The document was incorrectly filed in this case. (js) (Entered: 10/15/2007)
10/26/2007		Minute Entry for proceedings held before Judge Louis L. Stanton : Interim Pretrial Conference held on 10/26/2007. (js) (Entered: 10/31/2007)
10/26/2007	<u>55</u>	MOTION for Michael H. Rubin to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (jco) (Entered: 11/01/2007)

11/06/2007	<u>56</u>	ORDER ON CONSENT TO FILE AMENDED COMPLAINT: Pursuant to the Court's rulings on the record at the October 26, 2007 conference, the parties hereto consent to plaintiffs' filing of an Amended Complaint annexed hereto as Exhibit A. Defendants' time to serve and file a response to the Amended Complaint in the manner permitted by the Federal Rules shall be extended to December 3, 2007. (Signed by Judge Louis L. Stanton on 11/6/07) (tro) (Entered: 11/06/2007)
11/07/2007	<u>58</u>	AMENDED COMPLAINT amending <u>1</u> Complaint against Google, Inc., Youtube, Inc., Youtube, LLC. Document filed by Cherry Lane Music Publishing Company, Inc., Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., The Music Force LLC, Cal IV Entertainment, LLC, The Football Association Premier League Limited, Bourne Co. Related document: <u>1</u> Complaint filed by Bourne Co., The Football Association Premier League Limited. (jco) (Entered: 11/09/2007)
11/08/2007	<u>57</u>	AFFIDAVIT OF SERVICE of Amended Summons in a Civil Case and Amended Complaint served on David H. Kramer, Tonia Ouellette Klausner, from the firm of Wilson, Sonsini, Goodrich & Rosati PC, Phillip S. Beck of the Law Firm of Bartlit, Beck, Herman, Palenchar & Scott LLP and Hohn H. Hinderaker of the Firm Fabgre & Benson LLP. on November 7th 2007. Service was made by Mail. Document filed by The Football Association Premier League Limited, Bourne Co.. (Solomon, Louis) (Entered: 11/08/2007)
11/13/2007		CASHIERS OFFICE REMARK on <u>55</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 10/26/2007, Receipt Number 631286. (jd) (Entered: 11/13/2007)
11/13/2007	<u>59</u>	MOTION for Christina H. Connolly to Appear Pro Hac Vice. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Bourne Co. (jco) (Entered: 11/16/2007)
11/14/2007	<u>60</u>	MOTION for Dylan J. Liddiard to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (jco) (Entered: 11/16/2007)
11/14/2007	<u>61</u>	MOTION for Leo Cunningham to Appear Pro Hac Vice. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (jco) (Entered: 11/16/2007)
11/21/2007		CASHIERS OFFICE REMARK on <u>59</u> Motion to Appear Pro Hac Vice., in the amount of \$25.00, paid on 11/13/2007, Receipt Number 632447. (jd) (Entered: 11/21/2007)
11/21/2007		CASHIERS OFFICE REMARK on <u>61</u> Motion to Appear Pro Hac Vice, <u>60</u> Motion to Appear Pro Hac Vice in the amount of \$50.00, paid on 11/14/2007, Receipt Number 632862. (jd) (Entered: 11/21/2007)
11/30/2007	<u>62</u>	ORDER granting <u>59</u> Motion for Christina H. Connolly to Appear Pro Hac Vice. IT IS SO ORDERED. (Signed by Judge Louis L. Stanton on 11/30/2007) (jmi) (Entered: 11/30/2007)
11/30/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>62</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jmi) (Entered: 11/30/2007)
12/03/2007	<u>63</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. Related document: <u>58</u> Amended Complaint., filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., The Scottish Premier League Limited, National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., The Music Force

		Media Group LLC, Bourne Co., Federation Francaise De Tennis, Robert Tur, The Football Association Premier League Limited.(Kramer, David) (Entered: 12/03/2007)
12/04/2007	<u>64</u>	ORDER granting <u>60</u> Motion for Dylan J. Liddiard to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 12/4/07) (jco) (Entered: 12/04/2007)
12/04/2007		Transmission to Attorney Admissions Clerk. Transmitted re: <u>64</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jco) (Entered: 12/18/2007)
12/26/2007	<u>65</u>	NOTICE OF APPEARANCE by A. John P. Mancini on behalf of Google, Inc., Youtube, Inc., Youtube, LLC (Mancini, A.) (Entered: 12/26/2007)
01/14/2008	<u>66</u>	STIPULATION AND ORDER SUBSTITUTING ATTORNEYS the undersigned hereby stipulate and consent to the substitution of the law firm of Mayer Brown LLP, by and through its attorneys, Richard Ben-Veniste, Andrew H. Schapire, and A. John P. Mancini, as attorneys of record for Defendants YouTube, Inc., YouTube, LLC, and Google Inc. in the above-captioned action in place and instead of the law firm of Bartlit Beck Herman Palencher & Scott LLP, and its attorneys, Philip S. Beck, Mark S. Ouweleen, Rebecca Weinstein Bacon, Shayna S. Cook, and Carrie A. Jablonski. SO ORDERED. (Signed by Judge Louis L. Stanton on 1/11/2008) (jmi) (Entered: 01/14/2008)
01/29/2008	<u>67</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Susan J. Kohlmann dated 1/18/08 re: the plaintiffs in actions 07cv2103 & 07cv3582 have agreed to submit a consolidated brief. The parties have agreed on a proposed briefing schedule as follows: Moving Briefs 2/8/08; Opposition Briefs 2/28/08 and Reply Briefs – 3/7/08. ENDORSEMENT: So Ordered. (Signed by Judge Louis L. Stanton on 1/25/08) (pl) (Entered: 01/31/2008)
02/11/2008	<u>68</u>	MOTION to Compel. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Bourne Co..(Verrilli, Donald) (Entered: 02/11/2008)
02/26/2008	<u>70</u>	ORDER FOR ADMISSION PRO HAC VICE ON WRITTEN MOTION: It is hereby ordered that Leo Cunningham is admitted to practice Pro Hac Vice as counsel for Defendants. (Signed by Judge Louis L. Stanton on 2/22/2008) (jpo) (Entered: 02/26/2008)
02/26/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>70</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jpo) (Entered: 02/26/2008)
02/26/2008	<u>71</u>	MEMO ENDORSEMENT on <u>55</u> Motion for Michael H. Rubin to Appear Pro Hac Vice. ENDORSEMENT: Granted. No opposition. So Ordered. (Signed by Judge Louis L. Stanton on 2/22/2008) (jpo) (Entered: 02/26/2008)
02/26/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>71</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jpo) (Entered: 03/06/2008)
03/13/2008		TRANSCRIPT of proceedings held on 2/22/08 before Judge Louis L. Stanton. (Orig. doc. filed in case no. 07 cv 2103, doc. #97)(ae) (Entered: 07/18/2008)
03/31/2008	<u>73</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 3/28/2008 re: Requesting permission to file a sur-reply responding to the new material that Plaintiffs have presented. ENDORSEMENT: YouTube may file a sur-reply. SO ORDERED. (Signed by Judge Louis L. Stanton on 3/31/2008) (jpo) Modified on 4/2/2008 (kkc). (Entered: 03/31/2008)
04/02/2008	<u>74</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Susan J. Kohlman dated 4/1/2008 re: Requesting that the Court reconsider its order granting

		Defendants leave to file a surreply in opposition to Plaintiffs' motion to compel. ENDORSEMENT: Denied. (Signed by Judge Louis L. Stanton on 4/1/2008) (jpo) (Entered: 04/02/2008)
05/15/2008	<u>75</u>	SECOND AMENDED STIPULATED PRETRIAL PROTECTIVE ORDER...regarding procedures to be followed that shall govern the handling of confidential material.... (Signed by Judge Louis L. Stanton on 5/14/08) (cd) (Entered: 05/15/2008)
06/11/2008	<u>76</u>	NOTICE of Change of Law Firm Name. Document filed by The Music Force LLC. (Graubart, Jeffrey) (Entered: 06/11/2008)
06/23/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Pretrial Conference held on 6/23/2008. Next conference set for 9/5/08 at 3:00 and 10/28/08 at 3:00. (jmi) (Entered: 06/27/2008)
06/24/2008	<u>77</u>	ORDER; that the issues presented in defendants' motion to Compel dated 2/8/08 are disposed of by the rulings stated upon the record in open court today. (Signed by Judge Louis L. Stanton on 6/23/08) (pl) (Entered: 06/24/2008)
07/02/2008	<u>78</u>	OPINION AND ORDER #96195: For the reasons set forth in this Order; (1) The cross-motion for a protective order barring disclosure of the source code for the YouTube.com search function is granted, and the motion to compel production of that search code is denied; (2) The motion to compel production of the source code for the Video ID program is denied; (3) The motion to compel production of all removed videos is granted; (4) The motion to compel production of all data from the Logging database concerning each time a YouTube video has been viewed on the YouTube website or through embedding on a third-party website is granted; (5) the motion to compel production of those data fields which defendants have agreed to produce for the works-in-suit, for all videos that have been posted to the YouTube website is denied; (6) The motion to compel production of the schema for the Google Video Advertising database is denied; (7) The motion to compel production of the schema for the Google Video Content database is granted; and (8) The motion to compel production of the private videos and data related to them is denied at this time except to the extent it seeks production of the specified non-content data about such videos. So ordered. (Signed by Judge Louis L. Stanton on 7/1/2008) (tve) (Entered: 07/08/2008)
07/07/2008		TRANSCRIPT of proceedings held on 6/23/08 before Judge Louis L. Stanton. (Original Transcript filed in 07cv2103 doc.#118) (ama) (Entered: 07/07/2008)
07/15/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Interim Pretrial Conference held on 7/15/2008. (pl) (Entered: 07/21/2008)
07/17/2008	<u>79</u>	STIPULATION REGARDING July 1/2008 OPINION AND ORDER with respect to Section 4 of the Court's Opinion and Order dated 7/1/08 in light of certain user privacy concerns which have been raised. (Signed by Judge Louis L. Stanton on 7/17/08) (cd) (Entered: 07/17/2008)
07/22/2008	<u>80</u>	NOTICE OF APPEARANCE by David S Stellings on behalf of National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation (Stellings, David) (Entered: 07/22/2008)
07/24/2008	81	TRANSCRIPT of proceedings held on 7/15/08 before Judge Louis L. Stanton. (ama) (Entered: 07/24/2008)
08/01/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Discovery Hearing held on 8/1/2008 at 3:30pm. (tro) (Entered: 09/04/2008)
08/05/2008	<u>83</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Document filed by National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation. (Hough, James) (Entered: 08/05/2008)
08/05/2008	<u>84</u>	NOTICE OF APPEARANCE by James Edward Hough on behalf of National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music

		Corporation (Hough, James) (Entered: 08/05/2008)
08/05/2008	<u>85</u>	TRANSCRIPT of proceedings held on 8/01/08 before Judge Louis L. Stanton. (ama) (Entered: 08/05/2008)
08/06/2008	<u>86</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by X-Ray Dog Music, Inc..(Solomon, Louis) (Entered: 08/06/2008)
08/06/2008	<u>87</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Cherry Lane Music Publishing Company, Inc..(Solomon, Louis) (Entered: 08/06/2008)
08/06/2008	<u>88</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Federation Francaise De Tennis.(Solomon, Louis) (Entered: 08/06/2008)
08/12/2008	<u>89</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by The Music Force LLC.(McGrath, Christopher) (Entered: 08/12/2008)
08/12/2008	<u>90</u>	NOTICE OF APPEARANCE by Christina H. C. Sharp on behalf of Cal IV Entertainment, LLC (Sharp, Christina) (Entered: 08/12/2008)
08/12/2008	<u>91</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Cal IV Entertainment, LLC.(Sharp, Christina) (Entered: 08/12/2008)
08/12/2008	<u>92</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by Murbo Music Publishing, Inc..(Solomon, Louis) (Entered: 08/12/2008)
08/15/2008	<u>93</u>	LETTER addressed to Admission Clerk from Christina Connolly Sharp dated 8/11/2008 re: I write to request two changes to the docket in the above-captioned matter. First, I was admitted pro hac vice in this matter on November 13, 2007. I now request that my pro hac vice admission reflect my name change my last name to Christina H. Connolly Sharp. Document filed by Cal IV Entertainment, LLC.(jmi) (Entered: 08/27/2008)
08/26/2008	<u>94</u>	MOTION for Melissa A. Cox to Appear Pro Hac Vice. Document filed by Viacom International, et al. (dle) Modified on 9/10/2008 (dle). (Entered: 08/27/2008)
08/29/2008	<u>95</u>	MOTION for an order for Kevin Michael Doherty to Appear Pro Hac Vice; affidavit in support. Document filed by Cal IV Entertainment, LLC.(pl) (Entered: 09/03/2008)
08/29/2008	<u>96</u>	MOTION for an order for Gerald E. Martin to Appear Pro Hac Vice; w/attach. Affidavit in support. Document filed by Cal IV Entertainment, LLC.(pl) (Entered: 09/03/2008)
09/04/2008	<u>97</u>	STIPULATION AND ORDER: Defendants may restrict Class Plaintiffs from showing portions of documents, deposition transcripts or other materials that Defendants produce in this action to the extent that such materials contain the following information, other than information that is publicly available to McLaughlin, as set forth herein. (Signed by Judge Louis L. Stanton on 9/4/2008) (jpo) (Entered: 09/04/2008)
09/04/2008	<u>98</u>	STIPULATION AND ORDER Defendants may restrict class plaintiffs from showing portions of documents, depositions, transcripts, or other materials that defendants produce in this action to the extent that such materials contain the information further set forth in this order. (Signed by Judge Louis L. Stanton on 9/4/08) (mme) (Entered: 09/04/2008)
09/05/2008		CASHIERS OFFICE REMARK on <u>95</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 8/29/08, Receipt Number 661794. (Quintero, Marcos) (Entered: 09/05/2008)
09/05/2008		CASHIERS OFFICE REMARK on <u>96</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 8/29/08, Receipt Number 661795. (Quintero, Marcos)

		(Entered: 09/05/2008)
09/05/2008	99	TRANSCRIPT of proceedings held on 8/01/08 before Judge Louis L. Stanton. (ama) (Entered: 09/05/2008)
09/12/2008		Minute Entry for proceedings held before Judge Louis L. Stanton: Interim Pretrial Conference held on 9/12/2008. (js) (Entered: 09/19/2008)
09/18/2008	<u>100</u>	ORDER FOR ADMISSION OF KEVIN MICHAEL DOHERTY PRO HAC VICE ON WRITTEN MOTION granting <u>95</u> Motion for Kevin Michael Doherty to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 9/18/08) (mme) (Entered: 09/18/2008)
09/18/2008		Transmission to Attorney Admissions Clerk. Transmitted re: <u>100</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (mme) (Entered: 09/18/2008)
09/22/2008	101	TRANSCRIPT of proceedings held on July 15, 2008 3:10 p.m. before Judge Louis L. Stanton. (mro) (Entered: 09/22/2008)
09/24/2008	<u>102</u>	ORDER FOR ADMISSION OF GERALD E. MARTIN PRO HAC VICE ON WRITTEN MOTION: granting <u>96</u> Motion for Gerald E. Martin to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 9/18/2008) (tve) (Entered: 09/24/2008)
10/02/2008	<u>103</u>	NOTICE OF APPEARANCE by Gerald E. Martin on behalf of Cal IV Entertainment, LLC (Martin, Gerald) (Entered: 10/02/2008)
10/03/2008	<u>104</u>	NOTICE OF APPEARANCE by Kevin Michael Doherty on behalf of Cal IV Entertainment, LLC (Doherty, Kevin) (Entered: 10/03/2008)
11/25/2008	<u>105</u>	CONSENT ORDER Pursuant to this Court's ruling on the record at the November 14, 2008 conference, the parties hereto consent to Plaintiffs' filing of the Second Amended Complaint. A redacted version of the Second Amended Complaint, annexed hereto as Exhibit A, shall be filed publicly, and an unredacted version of the Second Amended Complaint shall be filed under seal pursuant to the Second Amended Pre-Trial Protective Order, paragraph 1, 3 and 8. Upon filing of the Second Amended Complaint, plaintiff The Scottish Premier League Limited shall be withdrawn solely in its capacity as a Named Plaintiff in this action (but not as a member of the putative class) and shall be deleted from the caption of the case. Defendants' time to serve and file a response to the Second Amended Complaint in the manner permitted by the Federal Rules shall be extended to forty (40) days after the filing of the Second Amended Complaint. (Signed by Judge Louis L. Stanton on 11/25/08) (mme) (Entered: 11/25/2008)
11/26/2008	<u>106</u>	SECOND AMENDED COMPLAINT amending <u>58</u> Amended Complaint,, against Google, Inc., Youtube, Inc., Youtube, LLC. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. Related document: <u>58</u> Amended Complaint,, filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., The Scottish Premier League Limited, National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., The Music Force Media Group LLC, Bourne Co., Federation Francaise De Tennis, Robert Tur, The Football Association Premier League Limited.(dle) (dle). (Entered: 11/26/2008)
11/26/2008	<u>107</u>	AFFIDAVIT OF SERVICE of Second Amended Class Action Complaint (Redacted), Second Amended Complaint (filed under seal) served on Andrew Shapiro, Esq., A. John Mancini, Esq., Mayer Brown LLP, 1675 Broadway, N.Y., N.Y.10019 and David H. Kramer, Esq., Michael H. Rubin, Esq., Wilson, Sonsini, Goodrich & Rosati, 650 Page Mill Road, Palo Alto, CA. 94303 on 11/26/08. Service was made by Mail. Document filed by The Football Association Premier League

		Limited, Bourne Co.. (Bloom, Elise) (Entered: 11/26/2008)
12/05/2008	<u>109</u>	NOTICE OF CHANGE OF ADDRESS by David S Stellings on behalf of The Football Association Premier League Limited. New Address: Lieff, Cabraser, Heimann & Bernstein, LLP, 250 Hudson Street, 8th Floor, New York, NY, USA 10013-1413, 212-355-9500. (Stellings, David) (Entered: 12/05/2008)
12/08/2008	<u>110</u>	NOTICE OF CHANGE OF ADDRESS by David S Stellings on behalf of The Football Association Premier League Limited. New Address: Lieff, Cabraser, Heimann & Bernstein, LLP, 250 Hudson Street, 8th Floor, New York, New York, USA 10013-1413, 212-355-9500. (Stellings, David) (Entered: 12/08/2008)
01/05/2009	<u>111</u>	STIPULATION AND ORDER that the time for Defendants to serve their answer to the Second Amended Complaint is hereby extended until and including 1/16/09. Google, Inc. answer due 1/16/2009; Youtube, Inc. answer due 1/16/2009. (Signed by Judge Louis L. Stanton on 12/31/08) (cd) (Entered: 01/05/2009)
01/16/2009	<u>112</u>	ANSWER to Amended Complaint with JURY DEMAND. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. Related document: <u>106</u> Amended Complaint,,, filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., The Music Force Media Group LLC, Bourne Co., Federation Francaise De Tennis, Robert Tur, The Football Association Premier League Limited, Murbo Music Publishing, Inc..(Mancini, A.) (Entered: 01/16/2009)
01/30/2009	<u>113</u>	NOTICE OF CHANGE OF ADDRESS by Christopher Lovell on behalf of The Music Force LLC, The Music Force Media Group LLC. New Address: Lovell Stewart Halebian LLP, 61 Broadway, Suite 501, New York, New York, USA 10006, 212-608-1900. (Lovell, Christopher) (Entered: 01/30/2009)
02/20/2009	<u>114</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Sandra Ann Bradshaw Lucas-Morrow dated 1/20/2009 re: Pro Se Movant writes seeking the Court's permission to submit a motion to join both the United Department of Justice ("DOJ") and Movant as indispensable parties under Federal Rule 19 in the above captioned related actions. ENDORSEMENT: To The Clerk of the Court: Please docket and place this document in public file. (Signed by Judge Louis L. Stanton on 2/20/2009) (tve) (Entered: 02/20/2009)
02/20/2009	<u>115</u>	LETTER addressed to Judge Louis L. Stanton from Sandra Ann Bradshaw Lucas-Morrow dated 1/20/2009 re: Pro Se Movant writes seeking the Court's permission to submit a motion to join both the United Department of Justice ("DOJ") and Movant as indispensable parties under Federal Rule 19 in the above captioned related actions. (tve) (Entered: 02/20/2009)
02/20/2009	<u>116</u>	MEMO ENDORSEMENT on re: 133 Letter. ENDORSEMENT: Treating Ms. Lucas-Harrow's letter dated January 20, 2009 as a pro se motion under Fed. R. Civ. P. 19 to join both herself and the United States Department of Justice ("DOJ") as necessary and indispensable parties in these related actions alleging violations of the Copyright Act of 1976 on the YouTube website, the motion is denied. Ms. Lucas-Morrow's pro se application for leave to move to join herself and the DOJ as parties in these cases is denied. So ordered. (Signed by Judge Louis L. Stanton on 2/19/2009) (tve) (Entered: 02/20/2009)
02/27/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Pre-Motion Conference held on 2/27/2009 on defendant's motion to strike punitive damages. (mro) (Entered: 02/27/2009)
03/05/2009	<u>117</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Sandra Ann Bradshaw Lucas-Morrow dated 3/1/09 re: Application for Reconsideration. ENDORSEMENT: This application for reconsideration is DENIED, for the reasons stated in my February 19, 2009 Memorandum Endorsement. So Ordered. (Signed by Judge Louis L. Stanton on 3/5/09) Copies Mailed by Chambers to Lucas-Morrow.(db) (Entered: 03/05/2009)

03/10/2009	<u>118</u>	ENDORSED LETTER: addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 3/9/09. re: At the conference held on February 27, 2009, the Court requested briefing on two issues relating to YouTube's motion for judgment on the pleadings/to strike Class Plaintiffs' punitive damages allegations. The parties have conferred and agreed to the following briefing schedule: YouTube's Moving Brief: April 3, 2009 Class Plaintiffs' Opposing Brief: May 1, 2009 YouTube's Reply Brief: May 15, 2009 ENDORSEMENT: So Ordered. (Motions due by 4/3/2009. Replies due by 5/15/2009. Responses due by 5/1/2009) (Signed by Judge Louis L. Stanton on 3/10/09) (js) (Entered: 03/10/2009)
03/12/2009	125	TRANSCRIPT of proceedings held on 2/27/09 before Judge Louis L. Stanton. (db) (Entered: 04/24/2009)
04/01/2009	<u>119</u>	MOTION for Eric Haren to Appear Pro Hac Vice. (dle) (Entered: 04/02/2009)
04/02/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Discovery Hearing held and concluded on 4/2/2009. (mro) (Entered: 04/03/2009)
04/03/2009	<u>120</u>	MOTION for Judgment on the Pleadings. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(Mancini, A.) (Entered: 04/03/2009)
04/03/2009	<u>121</u>	MEMORANDUM OF LAW in Support re: <u>120</u> MOTION for Judgment on the Pleadings.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Mancini, A.) (Entered: 04/03/2009)
04/15/2009	<u>122</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 4/15/2009 re: Counsel for defendant You Tube writes requesting that the Court confirm that the 225 hours allotted to YouTube for depositions of the "Collective Plaintiff" applies only to depositions of Viacom, Premier Lounge, and Bourne; that the depositions of the 15 plaintiffs added to this case after the Rule 16(b) Order was entered are not included within the 225 hours allotted to YouTube for depositions of the "Collective Plaintiffs"; and that the parties should negotiate in good faith towards an allocation of remaining hours for depositions of the latter-added plaintiffs, on the basis of whatever is realistically needed. ENDORSEMENT: That is correct. (Signed by Judge Louis L. Stanton on 4/15/2009) (tve) (Entered: 04/15/2009)
04/15/2009	124	TRANSCRIPT of proceedings held on 4/2/2009 before Judge Louis L. Stanton. (jmi) (Entered: 04/23/2009)
04/20/2009	<u>123</u>	ORDER FOR ADMISSION PRO HAC VICE WRITTEN MOTION granting <u>119</u> Motion for Eric R. Haren to Appear Pro Hac Vice. (Signed by Judge Louis L. Stanton on 4/20/2009) (jpo) (Entered: 04/20/2009)
04/20/2009		Transmission to Attorney Admissions Clerk. Transmitted re: <u>123</u> Order on Motion to Appear Pro Hac Vice, to the Attorney Admissions Clerk for updating of Attorney Information. (jpo) (Entered: 04/20/2009)
04/30/2009	<u>126</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Louis M. Solomon dated 4/29/09 re: The parties have conferred and agree to Plaintiffs' proposed amended briefing schedule relating to Defendants' motion for judgment on the pleadings on Plaintiffs' punitive damages claim as follows: Plaintiffs' opposing brief: 5/8/09; Defendants' reply brief: 5/22/09. ENDORSEMENT: So Ordered. (Signed by Judge Louis L. Stanton on 4/29/09) (tro) Modified on 5/1/2009 (tro). (Entered: 04/30/2009)
05/08/2009	<u>127</u>	MEMORANDUM OF LAW in Opposition re: <u>120</u> MOTION for Judgment on the Pleadings.. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Attachments: # <u>1</u> Appendix Appendix to Memorandum of Law)(Solomon, Louis) (Entered: 05/08/2009)

05/08/2009	<u>128</u>	DECLARATION of Andrew Shaw in Opposition re: <u>120</u> MOTION for Judgment on the Pleadings.. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Solomon, Louis) (Entered: 05/08/2009)
05/29/2009	<u>129</u>	REPLY MEMORANDUM OF LAW in Support re: <u>120</u> MOTION for Judgment on the Pleadings.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/29/2009)
06/09/2009	<u>130</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Louis M. Solomon dated 6/4/09 re: Request permission to file a 3 page sur reply. ENDORSEMENT: Granted. (Signed by Judge Louis L. Stanton on 6/8/09) (db) (Entered: 06/09/2009)
06/10/2009	<u>131</u>	REPLY MEMORANDUM OF LAW in Opposition re: <u>120</u> MOTION for Judgment on the Pleadings. <i>Class Plaintiffs' Sur-Reply To YouTube's Motion For Judgment On The Pleadings Regarding Certain Monetary Relief Available For Unregistered "Foreign" Works</i> . Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. (Attachments: # <u>1</u> Appendix)(Solomon, Louis) (Entered: 06/10/2009)
06/10/2009	<u>132</u>	REPLY AFFIDAVIT of Oliver Weingarten in Opposition re: <u>120</u> MOTION for Judgment on the Pleadings.. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. (Attachments: # <u>1</u> Exhibit 1-2)(Solomon, Louis) (Entered: 06/10/2009)
07/07/2009	<u>133</u>	OPINION and ORDER: #97713 For the reasons set forth above, the issues raised by defendants' motion (Docket No. 120) are disposed of as follows: (1) plaintiffs' complaint is deemed amended to include the material set forth in Mr. Weigartens June 4, 2009 Declaration and the representation of plaintiffs' counsel; (2) plaintiffs' Copyright Act claims for statutory damages are dismissed with respect to all unregistered foreign works, except those claims based on unregistered foreign works which qualify for the live broadcast exemption" in Section 411 (c) of the Act; and (3) plaintiffs' claims for punitive damages under the Copyright Act are dismissed. So ordered. (Signed by Judge Louis L. Stanton on 7/3/2009) (jmi) Modified on 7/8/2009 (jab). Modified on 7/8/2009 (jmi). (Entered: 07/07/2009)
07/07/2009		Transmission to Judgments and Orders Clerk. Transmitted re: <u>133</u> Memorandum & Opinion, to the Judgments and Orders Clerk. (jmi) (Entered: 07/07/2009)
07/07/2009	<u>134</u>	*VACATED AS PREMATURE* CLERK'S JUDGMENT in favor of Google, Inc., Stage Three Music (US), Inc., Youtube, Inc., Youtube, LLC against Alley Music Corporation, Bourne Co., Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., Edward B. Marks Music Company, Federation Francaise De Tennis, Freddy Bienstock Music Company, Murbo Music Publishing, Inc., National Music Publishers' Association, Sin-Drome Records, Ltd., The Football Association Premier League Limited, The Music Force LLC, The Music Force Media Group LLC, The Rodgers & Hammerstein Organization, X-Ray Dog Music, Inc., Robert Tur that depts' motion for judgment on the pleadings is granted and plaintiffs' claims are dismissed (Judgment vacated on 7/8/09 as premature).

		(Signed by J. Michael McMahon on 7/7/09) (jf) (Additional attachment(s) added on 7/7/2009: # <u>1</u> notice of right to appeal) (jf). Modified on 7/8/2009 (ml). (Entered: 07/07/2009)
07/07/2009	<u>135</u>	STIPULATION AND ORDER REGARDING PRIVILEGE LOGS. The following procedures shall apply to the creation and production of privilege logs in these actions. (Signed by Judge Louis L. Stanton on 7/7/09) (djc) (Entered: 07/07/2009)
07/28/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Interim Pretrial Conference held on 7/28/2009. (tro) (Entered: 07/29/2009)
08/07/2009	<u>136</u>	ORDER GRANTING MOTION OF JENNER &BLOCK LLP FOR LEAVE TO WITHDRAW DONALD B. VERRILLI, JR., STEVEN B. FABRIZIO, AND PETER H. HANNA AS COUNSEL re: (132 in 07cv2103) Motion. Upon the motion of Jenner &Block LLP, and there being no opposition, IT IS HEREBY ORDERED that Donald B. Verrilli, Jr., Steven B. Fabrizio, and Peter H. Hanna are granted leave to withdraw as counsel for the plaintiffs in the above-captioned action. (Signed by Judge Louis L. Stanton on 8/7/09) (tro) (Entered: 08/07/2009)
08/25/2009	<u>137</u>	STIPULATION &ORDER REGARDING VIACOM'S COPYRIGHT MONITORING PRIVILEGE ASSERTIONS: The terms set forth herein shall govern the stipulated relief to be entered by the Court concerning the July 27 motion. (Signed by Judge Louis L. Stanton on 8/24/09) (dle) (dle) (Entered: 08/25/2009)
10/05/2009	<u>138</u>	ORDER that, consistent with Paragraph 1 of the July 7, 2009 Stipulation, the Viacom Plaintiffs will produce all MSO Agreement Materials in their possession, custody or control, related to the following multiple system cable operators and satellite television providers by no later than October 15, 2009: Time Warner Cable, Inc. and Verizon Communications Inc. (Signed by Judge Louis L. Stanton on 10/5/2009) (jmi) (Entered: 10/05/2009)
10/21/2009	<u>139</u>	NOTICE of Withdrawal of Appearance of John P. Coffey. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers &Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Browne, John) (Entered: 10/21/2009)
10/28/2009	<u>140</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Hal S. Shaftel dated 10/9/09 re: counsel requests that the Court find that XRD's complete identification of works-in-suit is timely for purposes of this case. ENDORSEMENT: The class plaintiff's request that the Court find their identification of the additional works-in-suit timely (their October 9, 2009 letter to the court) is denied. (Signed by Judge Louis L. Stanton on 10/27/09) (djc) (Entered: 10/28/2009)
10/30/2009	<u>141</u>	LETTER addressed to Judge Louis L. Stanton from Andrew H. Schapiro dated 10/15/09 re: counsel asks that the Court find XRD's September 9, 2009 identification of new alleged infringements untimely. (djc) (Entered: 10/30/2009)
11/06/2009	<u>142</u>	MOTION for Reconsideration re: <u>140</u> Endorsed Letter,. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers &Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co..(Solomon, Louis) (Entered: 11/06/2009)
11/06/2009	<u>143</u>	MEMORANDUM OF LAW in Support re: <u>142</u> MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. <i>Plaintiff X-Ray Dog Music, Inc.'s Memorandum in Support of Its Motion for Reconsideration.</i>

		Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. (Solomon, Louis) (Entered: 11/06/2009)
11/06/2009	<u>144</u>	CERTIFICATE OF SERVICE of Motion for Reconsideration and Memorandum of Law in Support served on Attorney-Andrew H. Schapiro, Esq. on 11/6/09. Service was accepted by Christine Hernandez, Esq.. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. (Solomon, Louis) (Entered: 11/06/2009)
11/09/2009	<u>145</u>	MEMORANDUM OF LAW in Opposition re: <u>142</u> MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. MOTION for Reconsideration re; <u>140</u> Endorsed Letter,.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 11/09/2009)
11/10/2009		TRANSCRIPT of proceedings held on October 23, 2009 before Judge Louis L. Stanton. (Original filed in civil case 07cv2103, document #158)(mro) (Entered: 11/12/2009)
11/11/2009	<u>146</u>	REPLY MEMORANDUM OF LAW in Support re: <u>142</u> MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. MOTION for Reconsideration re; <u>140</u> Endorsed Letter,.. Document filed by The Music Force LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. (Solomon, Louis) (Entered: 11/11/2009)
11/12/2009	<u>147</u>	STIPULATION & ORDER REGARDING CERTAIN OF DEFENDANTS' COMMON INTEREST PRIVILEGE ASSERTIONS. IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record, for the parties hereto, to the following terms: Defendants agree to produce documents described on the July 27 Privilege Log without redaction within 14 days of the execution of this stipulation. Unless Defendants expressly indicate to the contrary, the production of documents pursuant to this Paragraph is not an indication that Defendants have withdrawn their initial claims of privilege, although Defendants agree that they will no longer assert such a claim with respect to these documents... and as further set forth regarding the procedures to be followed that shall govern the handling of this STIPULATION & ORDER REGARDING CERTAIN OF DEFENDANTS' COMMON INTEREST PRIVILEGE ASSERTIONS. Relates to 07-2103, 07-3582. (Signed by Judge Louis L. Stanton on 11/10/09) (rjm) (Entered: 11/12/2009)
11/13/2009	<u>148</u>	MEMO ENDORSEMENT. Accordingly there would be no justice in retroactively applying the December 18 fact discovery deadline, leaving the defendants with now only 36 days to work on 198 new works-in-suit and 1548 allegedly infringing video clips. Plaintiff's motion for reconsideration is granted, and on consideration of the intervening circumstance the Court adheres to the determination that the identification of the additional works-in-suit was untimely, and the claims regarding those works are excluded. Motions terminated: <u>142</u> MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. MOTION for Reconsideration re; <u>140</u> Endorsed Letter,. filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., National Music Publishers' Association, Freddy Bienstock Music Company, The

		Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., The Music Force Media Group LLC, Bourne Co., Federation Francaise De Tennis, Robert Tur, The Football Association Premier League Limited, Murbo Music Publishing, Inc.. (Signed by Judge Louis L. Stanton on 11/12/09) (rjm) (Entered: 11/13/2009)
11/13/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Hearing re: protective order held on 11/13/2009. (mro) (Entered: 11/16/2009)
11/16/2009		Minute Entry for proceedings held before Judge Louis L. Stanton: Discovery Hearing held on 11/16/2009. (mro) (Entered: 11/17/2009)
11/17/2009	149	SEALED DOCUMENT placed in vault.(jri) (Entered: 11/17/2009)
12/08/2009	150	TRANSCRIPT of proceedings held on 11/16/2009 before Judge Louis L. Stanton. (tve) (Entered: 12/10/2009)
12/08/2009	151	TRANSCRIPT of proceedings held on 11/13/2009 before Judge Louis L. Stanton. (tve) (Entered: 12/10/2009)
12/16/2009	152	SEALED DOCUMENT placed in vault.(nm) (Entered: 12/17/2009)
01/28/2010	<u>153</u>	MOTION for Christopher E. Coleman to Withdraw as Attorney. Document filed by National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, Stage Three Music (US), Inc.. (Attachments: # <u>1</u> Text of Proposed Order)(Stellings, David) (Entered: 01/28/2010)
01/28/2010	<u>154</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Seymour Fagan dated 12/28/09 re: Request to correct deposition and extension of time to respond to the pre-motion conference request. ENDORSEMENT: In light of the other demands upon this time, and his status as a fact witness for Mr. Tur, there may be questions whether he should act Pro Hac Vice in this case for Mr. Tur. In any event, Mr. Tur's time to correct his deposition and to respond to the pre-motion conference request is extended to February 1, 2010. So Ordered. (Signed by Judge Louis L. Stanton on 1/14/10) (db) (Entered: 01/28/2010)
02/01/2010	155	SEALED DOCUMENT placed in vault.(nm) (Entered: 02/01/2010)
03/04/2010	<u>156</u>	PREMIER LEAGUE PLAINTIFFS' AND YOUTUBE'S JOINT STIPULATION REGARDING CLASS CERTIFICATION AND SUMMARY JUDGMENT: It is hereby stipulated and agreed by and between the parties that the class certification and summary judgment shall be briefed in accordance with the following schedule and additional understandings, as set forth in this stipulation. Motions due by 3/26/2010. Replies due by 6/11/2010. Responses due by 5/7/2010. (Signed by Judge Louis L. Stanton on 3/4/2010) (jpo) (Entered: 03/04/2010)
03/05/2010	<u>157</u>	NOTICE OF APPEARANCE by Lauren Amy McMillen on behalf of The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co. (McMillen, Lauren) (Entered: 03/05/2010)
03/05/2010	<u>158</u>	MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint.</i> Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co..(Solomon, Louis) (Entered: 03/05/2010)

03/05/2010	159	SEALED DOCUMENT placed in vault.(nm) (Entered: 03/08/2010)
03/08/2010	<u>160</u>	NOTICE OF WITHDRAWAL OF COUNSEL AND ORDER: Granting permission for John P. Coffey, Esq. to withdraw his appearance as Co-Lead Counsel for Lead Plaintiffs, Named Plaintiffs and the Prospective Class in the above-captioned action. Mr. Coffey has retired from the law firm effective October 16, 2009 and filed a Notice of Withdrawal of Appearance electronically with the Court on October 21, 2009, Bernstein Litowitz Berger & Grossmann LLP continues to serve as Co-Lead Counsel through its attorneys listed below, who request that all future correspondence and papers in this action continue to be directed to them. Attorney John Patrick Coffey terminated. (Signed by Judge Louis L. Stanton on 3/8/10) (db) (Entered: 03/08/2010)
03/10/2010	<u>161</u>	NOTICE OF DISMISSAL OF SPECIFIED CLIPS WITH PREJUDICE, that pursuant to the Court's Order of December 18, 2009, which provides that "Plaintiffs may withdraw 'accused clips' by notice of their dismissal with prejudice under Fed. R. Civ. P. 41(a)(2), which I will 'So Order,'" and which further provides that "Partial judgment in defendants' favor on those claims will not be entered, lest it give an appearance of having an effect beyond that accorded by Rule 54(b)," the plaintiffs in the above-captioned action ("Viacom") hereby provide notice of the dismissal with prejudice under Fed. R. Civ. P. 41(a)(2) of the video clips listed on the attached Schedules A and B. Viacom respectfully requests that the Court "So Order" this notice of dismissal. (Signed by Judge Louis L. Stanton on 3/10/10) (pl) (Entered: 03/10/2010)
03/15/2010	162	SEALED DOCUMENT placed in vault.(nm) (Entered: 03/16/2010)
03/18/2010	<u>163</u>	STIPULATION AND ORDER: NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel of record, for the parties hereto, that the unsealing of the materials relating to the parties' summary judgment motions in the above referenced actions shall be implemented as follows: 1. To the extent practicable and with the express exception of exhibits in a format that cannot be filed via ECF and overly voluminous exhibits (e.g., large Excel spreadsheets), the parties intend to file all materials related to the parties' summary judgment motions via simultaneous ECF submissions on Thursday, March 18, 2010 at 1pm EDT with those portions of the materials the parties contend should remain under seal redacted; 2. To the extent any ECF "filing event" that occurs pursuant to Paragraph 1 would exceed 15MB, the parties will, unless they are unable to, break it into subparts with subsequent parts clearly identified. Those materials shall remain on the ECF system to allow continued public access. 3. So as to further facilitate public access to the parties' summary judgment submissions, the parties shall also file a complete set of all materials related to the parties' summary judgment motions, with those portions of the materials the parties contend should remain under seal redacted, manually with the Clerk of the Court in hard copy to the extent possible and CD/DVD as necessary, promptly after this Stipulation and Order is so-ordered by the Court, but in no event earlier than the filing in Paragraph 1; 4. The original materials filed under seal in connection with the parties' summary judgment motions shall remain under seal unless the Clerk of the Court is otherwise directed by the Court. (Signed by Judge Louis L. Stanton on 3/18/2010) (tro) (Entered: 03/18/2010)
03/18/2010	<u>164</u>	MEMORANDUM OF LAW in Support re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. (Solomon, Louis) (Entered: 03/18/2010)
03/18/2010	<u>165</u>	RULE 56.1 STATEMENT. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers'

		Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. (Attachments: # <u>1</u> Supplement Attachment is Part 2 of the Class Plaintiffs' Statement of Uncontroverted Material Facts in support of their motion for partial summary judgment)(Solomon, Louis) (Entered: 03/18/2010)
03/18/2010	<u>166</u>	DECLARATION of Elizabeth Anne Figueira in supoport of Class Plaintiffs' Statement of Uncontroverted Material Facts in support of Their Motion For Partial Summary Judgment in Support re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. (Attachments: # <u>1</u> Exhibit Exhibit 1, # <u>2</u> Exhibit Exhibit 2, # <u>3</u> Exhibit Exhibit, # <u>4</u> Exhibit Exhibit 4, # <u>5</u> Exhibit Exhibit 5, # <u>6</u> Exhibit Exhibit 6, # <u>7</u> Exhibit Exhibit 7, # <u>8</u> Exhibit Exhibit 8, # <u>9</u> Exhibit Exhibit 9, # <u>10</u> Exhibit Exhibit 10, # <u>11</u> Exhibit Exhibit 11, # <u>12</u> Exhibit Exhibit 12, # <u>13</u> Exhibit Exhibit 13, # <u>14</u> Exhibit Exhibit 14, # <u>15</u> Exhibit Exhibit 15, # <u>16</u> Exhibit Exhibit 16, # <u>17</u> Exhibit Exhibit 17, # <u>18</u> Exhibit Exhibit 18, # <u>19</u> Exhibit Exhibit 19, # <u>20</u> Exhibit Exhibit 20, # <u>21</u> Exhibit Exhibit 21, # <u>22</u> Exhibit Exhibit 22, # <u>23</u> Exhibit Exhibit 23, # <u>24</u> Exhibit Exhibit 24, # <u>25</u> Exhibit Exhibit 25, # <u>26</u> Exhibit Exhibit 26, # <u>27</u> Exhibit Exhibit 27, # <u>28</u> Exhibit Exhibit 28, # <u>29</u> Exhibit Exhibit 29, # <u>30</u> Exhibit Exhibit 30, # <u>31</u> Exhibit Exhibit 31, # <u>32</u> Exhibit Exhibit 32, # <u>33</u> Exhibit Exhibit 33, # <u>34</u> Exhibit Exhibit 34, # <u>35</u> Exhibit Exhibit 35, # <u>36</u> Exhibit Exhibit 36, # <u>37</u> Exhibit Exhibit 37, # <u>38</u> Exhibit Exhibit 38, # <u>39</u> Exhibit Exhibit 39, # <u>40</u> Exhibit Exhibit 40, # <u>41</u> Exhibit Exhibit 41, # <u>42</u> Exhibit Exhibit 42, # <u>43</u> Exhibit Exhibit 43, # <u>44</u> Exhibit Exhibit 44, # <u>45</u> Exhibit Exhibit 45, # <u>46</u> Exhibit Exhibit 46, # <u>47</u> Exhibit Exhibit 47, # <u>48</u> Exhibit Exhibit 48, # <u>49</u> Exhibit Exhibit 49, # <u>50</u> Exhibit Exhibit 50, # <u>51</u> Exhibit Exhibit 51, # <u>52</u> Exhibit Exhibit 52, # <u>53</u> Exhibit Exhibit 53, # <u>54</u> Exhibit Exhibit 54, # <u>55</u> Exhibit Exhibit 55, # <u>56</u> Exhibit Exhibit 56, # <u>57</u> Exhibit Exhibit 57, # <u>58</u> Exhibit Exhibit 58, # <u>59</u> Exhibit Exhibit 59, # <u>60</u> Exhibit Exhibit 60, # <u>61</u> Exhibit Exhibit 61, # <u>62</u> Exhibit Exhibit 62, # <u>63</u> Exhibit Exhibit 63, # <u>64</u> Exhibit Exhibit 64, # <u>65</u> Exhibit Exhibit 65, # <u>66</u> Exhibit Exhibit 66, # <u>67</u> Exhibit Exhibit 67, # <u>68</u> Exhibit Exhibit 68, # <u>69</u> Exhibit Exhibit 69, # <u>70</u> Exhibit Exhibit 70, # <u>71</u> Exhibit Exhibit 71, # <u>72</u> Exhibit Exhibit 72, # <u>73</u> Exhibit Exhibit 73, # <u>74</u> Exhibit Exhibit 74, # <u>75</u> Exhibit Exhibit 75, # <u>76</u> Exhibit Exhibit 76, # <u>77</u> Exhibit Exhibit 77, # <u>78</u> Exhibit Exhibit 78, # <u>79</u> Exhibit Exhibit 79, # <u>80</u> Exhibit Exhibit 80, # <u>81</u> Exhibit Exhibit 81, # <u>82</u> Exhibit Exhibit 82, # <u>83</u> Exhibit Exhibit 83, # <u>84</u> Exhibit Exhibit 84, # <u>85</u> Exhibit Exhibit 85, # <u>86</u> Exhibit Exhibit 86, # <u>87</u> Exhibit Exhibit 87, # <u>88</u> Exhibit Exhibit 88, # <u>89</u> Exhibit Exhibit 89, # <u>90</u> Exhibit Exhibit 90, # <u>91</u> Exhibit Exhibit 91, # <u>92</u> Exhibit Exhibit 92, # <u>93</u> Exhibit Exhibit 93, # <u>94</u> Exhibit Exhibit 94, # <u>95</u> Exhibit Exhibit 95, # <u>96</u> Exhibit Exhibit 96, # <u>97</u> Exhibit Exhibit 97, # <u>98</u> Exhibit Exhibit 97 part 2, # <u>99</u> Exhibit Exhibit 98, # <u>100</u> Exhibit Exhibit 99, # <u>101</u> Exhibit Exhibit 100, # <u>102</u> Exhibit Exhibit 101, # <u>103</u> Exhibit Exhibit 102, # <u>104</u> Exhibit Exhibit 103, # <u>105</u> Exhibit Exhibit 104, # <u>106</u> Exhibit Exhibit 105, # <u>107</u> Exhibit Exhibit 106, # <u>108</u> Exhibit Exhibit 107, # <u>109</u> Exhibit Exhibit 108, # <u>110</u> Exhibit Exhibit 109, # <u>111</u> Exhibit Exhibit 110, # <u>112</u> Exhibit Exhibit 111, # <u>113</u> Exhibit Exhibit 112, # <u>114</u> Exhibit Exhibit 113, # <u>115</u> Exhibit Exhibit 114, # <u>116</u> Exhibit Exhibit 115, # <u>117</u> Exhibit Exhibit 116, # <u>118</u> Exhibit Exhibit 117, # <u>119</u> Exhibit Exhibit 118, # <u>120</u> Exhibit Exhibit 119, # <u>121</u> Exhibit Exhibit 120, # <u>122</u> Exhibit Exhibit 121, # <u>123</u> Exhibit Exhibit 122, # <u>124</u> Exhibit Exhibit 123, # <u>125</u> Exhibit Exhibit 124, # <u>126</u> Exhibit Exhibit 125, # <u>127</u> Exhibit Exhibit 126, # <u>128</u> Exhibit Exhibit 127, # <u>129</u> Exhibit Exhibit 128, # <u>130</u> Exhibit Exhibit 129, # <u>131</u> Exhibit Exhibit 130, # <u>132</u> Exhibit Exhibit 131, # <u>133</u> Exhibit Exhibit 132, # <u>134</u> Exhibit Exhibit 133, # <u>135</u> Exhibit Exhibit 134, # <u>136</u> Exhibit Exhibit 135, # <u>137</u> Exhibit Exhibit 136, # <u>138</u> Exhibit Exhibit 137, # <u>139</u> Exhibit Exhibit 138, # <u>140</u> Exhibit Exhibit 139, # <u>141</u> Exhibit Exhibit 140, # <u>142</u> Exhibit Exhibit

		141, # <u>143</u> Exhibit Exhibit 142, # <u>144</u> Exhibit Exhibit 143, # <u>145</u> Exhibit Exhibit 144, # <u>146</u> Exhibit Exhibit 145, # <u>147</u> Exhibit Exhibit 146, # <u>148</u> Exhibit Exhibit 147, # <u>149</u> Exhibit Exhibit 148, # <u>150</u> Exhibit Exhibit 149, # <u>151</u> Exhibit Exhibit 150, # <u>152</u> Exhibit Exhibit 151, # <u>153</u> Exhibit Exhibit 152, # <u>154</u> Exhibit Exhibit 153, # <u>155</u> Exhibit Exhibit 154, # <u>156</u> Exhibit Exhibit 154 Part 2, # <u>157</u> Exhibit Exhibit 154 Part 3, # <u>158</u> Exhibit Exhibit 154 Part 4, # <u>159</u> Exhibit Exhibit 155, # <u>160</u> Exhibit Exhibit 156, # <u>161</u> Exhibit Exhibit 157, # <u>162</u> Exhibit Exhibit 158, # <u>163</u> Exhibit Exhibit 159, # <u>164</u> Exhibit Exhibit 160, # <u>165</u> Exhibit Exhibit 161, # <u>166</u> Exhibit Exhibit 162, # <u>167</u> Exhibit Exhibit 163, # <u>168</u> Exhibit Exhibit 164, # <u>169</u> Exhibit Exhibit 165, # <u>170</u> Exhibit Exhibit 166, # <u>171</u> Exhibit Exhibit 167, # <u>172</u> Exhibit Exhibit 168, # <u>173</u> Exhibit Exhibit 169, # <u>174</u> Exhibit Exhibit 170, # <u>175</u> Exhibit Exhibit 171, # <u>176</u> Exhibit Exhibit 172, # <u>177</u> Exhibit Exhibit 173, # <u>178</u> Exhibit Exhibit 174, # <u>179</u> Exhibit Exhibit 175, # <u>180</u> Exhibit Exhibit 176, # <u>181</u> Exhibit Exhibit 177, # <u>182</u> Exhibit Exhibit 178, # <u>183</u> Exhibit Exhibit 179, # <u>184</u> Exhibit Exhibit 180, # <u>185</u> Exhibit Exhibit 181, # <u>186</u> Exhibit Exhibit 182, # <u>187</u> Exhibit Exhibits 183 – 187, # <u>188</u> Exhibit Exhibit 188)(Figueira, Elizabeth) (Entered: 03/18/2010)
03/18/2010	<u>167</u>	MOTION for Summary Judgment. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>168</u>	MEMORANDUM OF LAW in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>169</u>	RULE 56.1 STATEMENT. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>170</u>	DECLARATION of Arthur Chan in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>171</u>	DECLARATION of Daniel Ostrow in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>172</u>	DECLARATION of Roelof Botha in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>173</u>	DECLARATION of Chad Hurley in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit to Hurley Declaration Part 1, # <u>2</u> Exhibit to Hurley Declaration Part 2)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>174</u>	DECLARATION of Micah Schaffer in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit to Schaffer Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>175</u>	DECLARATION of Christopher Maxcy in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>176</u>	DECLARATION of David King in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>177</u>	DECLARATION of Hunter Walk in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>178</u>	DECLARATION of Zahavah Levine in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit to Levine Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)

03/18/2010	<u>179</u>	DECLARATION of Suzanne Reider in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>180</u>	DECLARATION of Michael Solomon in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>181</u>	DECLARATION of Andrew Schapiro Part 1 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 1–10 to Schapiro Declaration, # <u>2</u> Exhibit 11–12 to Schapiro Declaration, # <u>3</u> Exhibit 13 Part 1 to Schapiro Declaration, # <u>4</u> Exhibit 13 Part 2 to Schapiro Declaration, # <u>5</u> Exhibit 14–20 to Schapiro Declaration, # <u>6</u> Exhibit 21–26 to Schapiro Declaration, # <u>7</u> Exhibit 27–35 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>182</u>	DECLARATION of Andrew Schapiro Part 2 Exhibit 36 Part 1 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 36 Part 2 to Schapiro Declaration, # <u>2</u> Exhibit 37–42 to Schapiro Declaration, # <u>3</u> Exhibit 43–56 to Schapiro Declaration, # <u>4</u> Exhibit 57–68 to Schapiro Declaration, # <u>5</u> Exhibit 69–81 to Schapiro Declaration, # <u>6</u> Exhibit 82–84 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>183</u>	DECLARATION of Andrew Schapiro Part 3 Exhibit 85–91 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 92–102 to Schapiro Declaration, # <u>2</u> Exhibit 103–114 to Schapiro Declaration, # <u>3</u> Exhibit 115–129 to Schapiro Declaration, # <u>4</u> Exhibit 130–139 to Schapiro Declaration, # <u>5</u> Exhibit 140–145 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>184</u>	DECLARATION of Andrew Schapiro Part 4 Exhibit 146–160 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 161–170 to Schapiro Declaration, # <u>2</u> Exhibit 171–177 to Schapiro Declaration, # <u>3</u> Exhibit 178 to Schapiro Declaration, # <u>4</u> Exhibit 179 Part 1 to Schapiro Declaration, # <u>5</u> Exhibit 179 Part 2 to Schapiro Declaration, # <u>6</u> Exhibit 180–210 to Schapiro Declaration, # <u>7</u> Exhibit 211–212 to Schapiro Declaration, # <u>8</u> Exhibit 213–215 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>185</u>	DECLARATION of Andrew Schapiro Part 5 Exhibit 216–217 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 218–220 to Schapiro Declaration, # <u>2</u> Exhibit 221–223 to Schapiro Declaration, # <u>3</u> Exhibit 224–227 to Schapiro Declaration, # <u>4</u> Exhibit 228 to Schapiro Declaration, # <u>5</u> Exhibit 229–231 to Schapiro Declaration, # <u>6</u> Exhibit 232–234 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>186</u>	DECLARATION of Andrew Schapiro Part 6 Exhibit 235–237 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 238–241 to Schapiro Declaration, # <u>2</u> Exhibit 242–246 to Schapiro Declaration, # <u>3</u> Exhibit 247–250 to Schapiro Declaration, # <u>4</u> Exhibit 251–254 to Schapiro Declaration, # <u>5</u> Exhibit 255 to Schapiro Declaration, # <u>6</u> Exhibit 256–258 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>187</u>	DECLARATION of Andrew Schapiro Part 7 Exhibit 259–261 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 262–264 to Schapiro Declaration, # <u>2</u> Exhibit 265–268 to Schapiro Declaration, # <u>3</u> Exhibit 269–271 to Schapiro Declaration, # <u>4</u> Exhibit 272–273 to Schapiro Declaration, # <u>5</u> Exhibit 274–275 to Schapiro Declaration, # <u>6</u> Exhibit 276–277 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>188</u>	DECLARATION of Andrew Schapiro Part 8 Exhibit 278 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 279 to Schapiro Declaration, # <u>2</u> Exhibit

		280–281 to Schapiro Declaration, # <u>3</u> Exhibit 282–283 to Schapiro Declaration, # <u>4</u> Exhibit 284–286 to Schapiro Declaration, # <u>5</u> Exhibit 287–290 to Schapiro Declaration, # <u>6</u> Exhibit 291–294 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/18/2010	<u>189</u>	DECLARATION of Andrew Schapiro Part 9 Exhibit 295–296 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 297–299 to Schapiro Declaration, # <u>2</u> Exhibit 300–302 to Schapiro Declaration, # <u>3</u> Exhibit 303 to Schapiro Declaration, # <u>4</u> Exhibit 304–306 to Schapiro Declaration, # <u>5</u> Exhibit 307–310 to Schapiro Declaration, # <u>6</u> Exhibit 311–314 to Schapiro Declaration, # <u>7</u> Exhibit 315–386 to Schapiro Declaration)(Schapiro, Andrew) (Entered: 03/18/2010)
03/19/2010	<u>190</u>	DECLARATION of Michael Rubin in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 1–17 to Rubin Declaration, # <u>2</u> Exhibit 18 to Rubin Declaration, # <u>3</u> Exhibit 19–27 to Rubin Declaration, # <u>4</u> Exhibit 28–36 to Rubin Declaration, # <u>5</u> Exhibit 37–48 to Rubin Declaration, # <u>6</u> Exhibit 49–59 to Rubin Declaration, # <u>7</u> Exhibit 60–67 to Rubin Declaration)(Schapiro, Andrew) (Entered: 03/19/2010)
03/19/2010	<u>191</u>	DECLARATION of Michael Rubin Part 2 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 1 to Rubin Declaration Part 2, # <u>2</u> Exhibit 2 to Rubin Declaration Part 2, # <u>3</u> Exhibit 3 to Rubin Declaration Part 2, # <u>4</u> Exhibit 4 to Rubin Declaration Part 2)(Schapiro, Andrew) (Entered: 03/19/2010)
03/19/2010	<u>192</u>	DECLARATION of Michael Rubin Part 3 in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 1 to Rubin Declaration Part 3, # <u>2</u> Exhibit 2 to Rubin Declaration Part 3)(Schapiro, Andrew) (Entered: 03/19/2010)
03/23/2010	<u>193</u>	STIPULATION AND ORDER EXTENDING THE TIME TO FILE CLASS PLAINTIFFS' MOTION FOR CLASS CERTIFICATION, Motion due by 4/2/2010. Reply due by 6/11/2010. Response due by 5/14/2010. (Signed by Judge Louis L. Stanton on 3/23/10) (cd) (Entered: 03/23/2010)
03/23/2010	<u>194</u>	NOTICE OF CHANGE OF ADDRESS by Louis M. Solomon on behalf of The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Binstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Bourne Co.. New Address: Cadwalader, Wickersham & Taft LLP, One World Financial Center, New York, New York, USA 10281, (212) 504–6000. (Solomon, Louis) (Entered: 03/23/2010)
03/23/2010	<u>195</u>	NOTICE OF CHANGE OF ADDRESS by Harold S. Shaftel on behalf of The Football Association Premier League Limited. New Address: Cadwalader Wickersham & Taft LLP, One World Financial Center, New York, New York 10281, New York, New York, USA 10281, (212) 504–6000. (Shaftel, Harold) (Entered: 03/23/2010)
03/23/2010	<u>196</u>	NOTICE OF APPEARANCE by Harold S. Shaftel on behalf of The Football Association Premier League Limited (Shaftel, Harold) (Entered: 03/23/2010)
03/23/2010	<u>197</u>	NOTICE OF CHANGE OF ADDRESS by Colin A. Underwood on behalf of The Football Association Premier League Limited. New Address: Cadwalader Wickersham & Taft LLP, One World Financial Center, New York, New York 10281, New York, New York, USA 10281, (212) 504 – 6000. (Underwood, Colin) (Entered: 03/23/2010)
03/23/2010	<u>198</u>	NOTICE OF APPEARANCE by Colin A. Underwood on behalf of The Football Association Premier League Limited (Underwood, Colin) (Entered: 03/23/2010)

03/26/2010	<u>199</u>	ORDER. On consent of the parties, all filings (Docket Nos. 149, 152, and 155) with respect to the allegations that Mr. Tur (alone or with others) violated the Court's May 14, 2008 Second Amended Stipulated Pre-Trial Protective Order, are unsealed. (Signed by Judge Louis L. Stanton on 3/26/10) (rjm) (Entered: 03/26/2010)
03/26/2010		Transmission to Sealed Records Clerk. Transmitted re: <u>199</u> Order, to the Sealed Records Clerk for the sealing or unsealing of document or case. (rjm) (Entered: 03/26/2010)
03/26/2010	<u>201</u>	STIPULATION AND ORDER....regarding procedures to be followed that shall govern the handling of confidential material.... (This document was previously sealed in envelope #149 and unsealed on 3/26/2010 by document #199) (Signed by Judge Louis L. Stanton on 11/16/09) (tro) (Entered: 04/01/2010)
03/26/2010	<u>202</u>	STIPULATION AND ORDER: An identical copy of the original forensic images of each of Robert Tur's computers or devices captured by Iris Data Services, LLC, will be provided to a New York office of FTI Consulting, Inc. by the latter of 5pm ET on December 4, 2009 or within 2 business days after the parties submit to the Court a fully executed Stipulation to be so ordered. FTI agrees to execute and be bound by the Protective Order entered in the action. The parties agree to cooperate to use their best efforts to present this stipulation for prompt so-ordering by the Court, including trying to arrange a time with Chambers for presenting and so-ordering same; and notwithstanding the above, if the Court refuses to so order the stipulation, FTI shall immediately return the Forensic Images to Iris. FTI shall do nothing but maintain such Forensic Images in its possession, in strict confidence and in a highly secure location, and shall not review, access, copy, image, investigate, analyze, transfer, or forward the Forensic Images or permit any other person or entity to do so, until either (a) the undersigned counsel of record and special counsel for Mr. Tur have executed a written agreement concerning any constraints posed by any alleged privilege, immunity, confidentiality, privacy, or other protection of the Forensic Images as further set forth in this Order....The provision of the Forensic Images to FTI provided for in paragraph 1 above shall not to any extent waive or prejudice any Protection claimed to be due by or to the Forensic Images or by or to Mr. Tur or any other person or entity. Mr. Tur shall be entitled to designate material or information, or any analyses or results thereof, as Highly confidential under the terms of the Protective Order. (This document was previously sealed in envelope #152 and unsealed on 3/26/2010 by document #199) (Signed by Judge Louis L. Stanton on 12/14/09) (tro) (Entered: 04/01/2010)
03/26/2010	<u>203</u>	STIPULATION AND ORDER: Plaintiff Robert Tur ("Tur") agrees sign the consent forms attached to the December 16, 2009 letter from David H. Kramer to Noah Gitterman, consenting to the disclosure of email and phone records pursuant to subpoenas that will be served by YouTube, Inc. in the action titled The Football Association Premier League Limited et al v. YouTube, Inc. et al., Case No. 1:07-cv-03582 (LLS) (SDNY) (the "Subpoenas"). All other information produced to Defendants in response to the Subpoenas not addressed in paragraph 2 above shall be designated Highly Confidential under the Protective Order and shall be provided to Fagan and Proskauer within two days of Defendants' receipt of the information. All of the Protective Order's procedures governing such material will apply. Defendants agree that any information produced to Defendants in response to the Subpoenas (including but not limited to the Subpoenaed Information in paragraph 2 above) shall only be used for purposes of this litigation or the leak investigation, and for no other purpose. The Subpoenas shall provide that any and all email communications produced in response to the Subpoenas ("Subpoenaed Information"), shall not be provided to the defendants YouTube, Inc., YouTube LLC and Google, Inc. ("Defendants") but shall be provided directly to FTI Consulting, Inc. ("FTI"), subject to the terms as further set forth in this Order. FTI shall maintain the Subpoenaed Information in strict confidence, and shall not disclose any part of the Subpoenaed Information to anyone, unless either (a) the disclosure is agreed to in writing pursuant to this Stipulation or as part of this Stipulation; or (b) the undersigned counsel of record and Fagan approve in writing such disclosure; or (c) the Court orders that Defendants may access and analyze the Subpoenaed Information. The provision of the Subpoenaed Information to FTI or to Defendants provided for above shall not to any extent waive or prejudice any privilege, immunity, confidentiality, privacy, or other protection claimed to be due

		by or to the Subpoenaed Information or by or to Tur or any other person or entity. (This document was previously sealed in envelope #155 and unsealed on 3/26/2010 by document #199) (Signed by Judge Louis L. Stanton on 2/1/2010) (tro) Modified on 4/8/2010 (tro). (Entered: 04/01/2010)
03/26/2010	<u>204</u>	STIPULATION AND ORDER: Plaintiff Robert Tur ("Tur") agrees sign the consent forms attached to the December 16, 2009 letter from David H. Kramer to Noah Gitterman, consenting to the disclosure of email and phone records pursuant to subpoenas that will be served by YouTube, Inc. in the action titled The Football Association Premier League Limited et al v. YouTube, Inc. et al., Case No. 1:07-cv-03582 (LLS) (SDNY) (the "Subpoenas"). All other information produced to Defendants in response to the Subpoenas not addressed in paragraph 2 above shall be designated Highly Confidential under the Protective Order and shall be provided to Fagan and Proskauer within two days of Defendants' receipt of the information. All of the Protective Order's procedures governing such material will apply. Defendants agree that any information produced to Defendants in response to the Subpoenas (including but not limited to the Subpoenaed Information in paragraph 2 above) shall only be used for purposes of this litigation or the leak investigation, and for no other purpose. The Subpoenas shall provide that any and all email communications produced in response to the Subpoenas ("Subpoenaed Information"), shall not be provided to the defendants YouTube, Inc., YouTube LLC and Google, Inc. ("Defendants") but shall be provided directly to FTI Consulting, Inc. ("FTI"), subject to the terms as further set forth in this Order. FTI shall maintain the Subpoenaed Information in strict confidence, and shall not disclose any part of the Subpoenaed Information to anyone, unless either (a) the disclosure is agreed to in writing pursuant to this Stipulation or as part of this Stipulation; or (b) the undersigned counsel of record and Fagan approve in writing such disclosure; or (c) the Court orders that Defendants may access and analyze the Subpoenaed Information. The provision of the Subpoenaed Information to FTI or to Defendants provided for above shall not to any extent waive or prejudice any privilege, immunity, confidentiality, privacy, or other protection claimed to be due by or to the Subpoenaed Information or by or to Tur or any other person or entity. (This document was previously sealed in envelope #155 and unsealed on 3/26/2010 by document #199 in 07-cv-3582) (Signed by Judge Louis L. Stanton on 2/1/2010) (tro) Modified on 4/8/2010 (tro). (Entered: 04/01/2010)
03/26/2010	208	Minute Entry for proceedings held before Judge Louis L. Stanton: Pre-Motion Conference held and concluded on 3/26/2010 re: sanctions. (tro) (Entered: 04/09/2010)
03/31/2010	<u>200</u>	ENDORSED LETTER addressed to Judge Louis Stanton from Susan J. Kohlman dated 3/29/2010 re: The parties respectfully request that the Court grant a one week extension to the deadlines set forth in Paragraphs 4 and 6 of the Court's order, such that the parties would have until April 8 to "submit unresolved matters to the Court," and would have until April 11 to "submit proposed findings of fact" regarding items on which there is agreement. ENDORSEMENT: So ordered. (Signed by Judge Louis L. Stanton on 3/30/2010) (tve) (Entered: 03/31/2010)
04/02/2010	205	TRANSCRIPT of proceedings held on March 26, 2010 11:15 a.m. before Judge Louis L. Stanton. (ajc) (Entered: 04/02/2010)
04/02/2010	<u>206</u>	MOTION for Benjamin Galdston to Appear Pro Hac Vice. Document filed by Cherry Lane Music Publishing Company, Inc., Robert Tur, X-Ray Dog Music, Inc., Federation Francaise De Tennis, Murbo Music Publishing, Inc.(mro) (Entered: 04/05/2010)
04/08/2010	<u>207</u>	NOTICE OF APPEARANCE by Charles S. Sims on behalf of Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, X-Ray Dog Music, Inc., Federation Francaise De Tennis, Murbo Music Publishing, Inc., Bourne Co. (Sims, Charles) (Entered: 04/08/2010)
04/09/2010	209	SEALED DOCUMENT placed in vault.(nm) (Entered: 04/12/2010)
04/12/2010	<u>210</u>	NOTICE OF APPEARANCE by Edward Hernstadt on behalf of American Library Association, et al. (Hernstadt, Edward) (Entered: 04/12/2010)

04/13/2010	<u>211</u>	Amicus Curiae APPEARANCE entered by Edward Hernstadt on behalf of American Library Association, et al..(Hernstadt, Edward) (Entered: 04/13/2010)
04/13/2010	<u>212</u>	MOTION to File Amicus Brief. Document filed by American Library Association, et al..(Hernstadt, Edward) (Entered: 04/13/2010)
04/13/2010	<u>213</u>	DECLARATION of Fred Von Lohman in Support re: <u>212</u> MOTION to File Amicus Brief.. Document filed by American Library Association, et al.. (Hernstadt, Edward) (Entered: 04/13/2010)
04/13/2010	<u>214</u>	DECLARATION of Edward Hernstadt in Support re: <u>212</u> MOTION to File Amicus Brief.. Document filed by American Library Association, et al.. (Attachments: # <u>1</u> Exhibit Proposed Order)(Hernstadt, Edward) (Entered: 04/13/2010)
04/13/2010	<u>215</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by American Library Association, et al..(Hernstadt, Edward) (Entered: 04/13/2010)
04/13/2010	<u>216</u>	BRIEF of <i>Amici Curiae</i> . Document filed by American Library Association, et al..(Hernstadt, Edward) (Entered: 04/13/2010)
04/14/2010		CASHIERS OFFICE REMARK on <u>206</u> Motion to Appear Pro Hac Vice in the amount of \$25.00, paid on 04/02/2010, Receipt Number 899422. (jd) (Entered: 04/14/2010)
04/14/2010	<u>217</u>	RESPONSE to Motion re: <u>212</u> MOTION to File Amicus Brief. <i>Plaintiffs' Opposition to Motion of NonParties American Library Association, Association of College and Research Libraries, Association of Research Libraries, Center for Democracy and Technology, Computer and Communications Industry Association, Electronic Frontier Foundation, Home Recording Rights Coalition, Internet Archive, NetCoalition, and Public Knowledge To File Amicus Curiae Brief in Support of Defendants</i> . Document filed by Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, X-Ray Dog Music, Inc., Federation Francaise De Tennis, Murbo Music Publishing, Inc., Bourne Co.. (Sims, Charles) (Entered: 04/14/2010)
04/14/2010	218	TRANSCRIPT of proceedings held on March 26, 2010 11:15 a.m. before Judge Louis L. Stanton. (ajc) (Entered: 04/15/2010)
04/15/2010	<u>219</u>	ORDER: I have determined that the protection of the value of this private, proprietary and commercially sensitive information to its owners clearly outweighs any countervailing public interest in its disclosure to the general public and to competitors, and justifies its redaction, together with personally identifiable matter such as addresses, telephone and account numbers, family and personal affairs and similar information, from material publicly filed and disclosed. (Signed by Judge Louis L. Stanton on 4/15/2010) (tro) (Additional attachment(s) added on 4/16/2010: # <u>1</u> Main Document) (ae). (Entered: 04/15/2010)
04/15/2010	<u>220</u>	NOTICE OF APPEARANCE by Jacqueline C. Charlesworth on behalf of National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, Stage Three Music (US), Inc. (Charlesworth, Jacqueline) (Entered: 04/15/2010)
04/16/2010	<u>221</u>	MEMO ENDORSEMENT on <u>212</u> NOTICE OF MOTION AND MOTION OF NONPARTIES AMERICAN LIBRARY ASSOCIATION, ASSOCIATION OF COLLEGE AND RESEARCH LIBRARIES, ASSOCIATION OF RESEARCH CENTER FOR DEMOCRACY AND TECHNOLOGY, COMPUTER AND COMMUNICATIONS INDUSTRY ASSOCIATION, ELECTRONIC FRONTIER FOUNDATION, HOME RECORDING RIGHTS COALITION, INTERNET ARCHIVE, NETCOALITION, AND PUBLIC KNOWLEDGE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF DEFENDANTS. ENDORSEMENT: Granted. (Signed by Judge Louis L. Stanton on 4/16/2010) (jpo) (Entered: 04/16/2010)
04/19/2010	<u>222</u>	MEMO ENDORSEMENT re: <u>206</u> Motion for Benjamin Galdston to Appear Pro Hac Vice. ENDORSEMENT: granted. No opposition. So ordered. (Signed by

		Judge Louis L. Stanton on 4/19/2010) (tve) (Entered: 04/19/2010)
04/26/2010	<u>223</u>	ORDER: Thus, the redactions sought to be made by defendants, as listed on the attached appendix (without regard to the particular categories into which the documents have been placed by defendants in paragraphs 12–20 of that appendix), are authorized. The deposition testimony of Larry Page, attached as Exhibit 315 to the Declaration of William M. Hohengarten, shall remain under seal pending a decision regarding defendants' motion to strike that testimony. So ordered. (Signed by Judge Louis L. Stanton on 4/23/2010) (tve) (Entered: 04/26/2010)
04/26/2010		***DELETED DOCUMENT. Deleted document number <u>224</u> ORDER. The document was incorrectly filed in this case. (jpo) (Entered: 04/29/2010)
05/01/2010	<u>224</u>	MOTION to Strike. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.(Schapiro, Andrew) (Entered: 05/01/2010)
05/03/2010	<u>226</u>	SEALED DOCUMENT placed in vault.(cb) Modified on 5/5/2010 (cb). (Entered: 05/04/2010)
05/04/2010	<u>225</u>	MEMO ENDORSED denying <u>224</u> Motion to Strike. After hearing counsel, and having reviewed the challenged material, this motion is denied, with leave to defendants to identify transcript portions and references in Mr. Baskins 4/30/10 letter to the court which should be redacted before public filing. SO ORDERED. (Signed by Judge Louis L. Stanton on 5/3/2010) (jmi) (Entered: 05/04/2010)
05/05/2010	<u>227</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Andrew Schapiro dated 5/4/10 re: Requesting clarification of the Court's Order denying motion to strike the Page deposition. ENDORSEMENT: The questioned order denied all relief sought in the 4/30/10 Notice of Motion and Motion to Strike. (Signed by Judge Louis L. Stanton on 5/5/10) (cd) (Entered: 05/05/2010)
05/05/2010	<u>228</u>	MEMO ENDORSEMENT on Viacom's Evidentiary Objections to and Motion To Strike Portions of Declarations Submitted In Support of Defendants' Motion for Summary Judgment: Denied. So Ordered. (Signed by Judge Louis L. Stanton on 5/5/10) (cd) (Entered: 05/05/2010)
05/06/2010	<u>229</u>	SEALED DOCUMENT placed in vault.(nm) (Entered: 05/06/2010)
05/10/2010	<u>230</u>	SEALED DOCUMENT placed in vault.(cb) (Entered: 05/10/2010)
05/11/2010	<u>231</u>	MEMO ENDORSEMENT on re: Motion to File Amicus Brief. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Louis L. Stanton on 5/10/2010) (jfe) (Entered: 05/11/2010)
05/11/2010	<u>232</u>	MEMO ENDORSEMENT on re: Notice of Motion for leave to file brief Amicus Curiae Washington Legal foundation in support of Plaintiffs filed by Washington Legal Foundation. ENDORSEMENT: Granted. So Ordered. (Signed by Judge Louis L. Stanton on 5/10/2010) (jfe) (Entered: 05/11/2010)
05/14/2010	<u>233</u>	SUPPLEMENTAL RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying BMG Rights Management (US) LLC as Corporate Parent. Document filed by Cherry Lane Music Publishing Company, Inc..(Sims, Charles) (Entered: 05/14/2010)
05/19/2010	<u>234</u>	NOTICE OF APPEARANCE by Thomas Clay Moore on behalf of American Society of Composers, Authors And Publishers, Broadcast Music, Inc., SESAC, Inc., Sports Rights Owners Coalition (Moore, Thomas) (Entered: 05/19/2010)
05/19/2010	<u>235</u>	MOTION for Leave to File Brief of Amici Curiae. Document filed by American Society of Composers, Authors And Publishers, Broadcast Music, Inc., SESAC, Inc., Sports Rights Owners Coalition.(Moore, Thomas) (Entered: 05/19/2010)
05/19/2010	<u>236</u>	DECLARATION of Thomas C. Moore in Support re: <u>235</u> MOTION for Leave to File Brief of Amici Curiae.. Document filed by American Society of Composers, Authors And Publishers, Broadcast Music, Inc., SESAC, Inc., Sports Rights Owners Coalition. (Moore, Thomas) (Entered: 05/19/2010)
05/19/2010	<u>237</u>	MEMORANDUM OF LAW in Support re: <u>235</u> MOTION for Leave to File Brief of Amici Curiae.. Document filed by American Society of Composers, Authors

		And Publishers, Broadcast Music, Inc., SESAC, Inc., Sports Rights Owners Coalition. (Moore, Thomas) (Entered: 05/19/2010)
05/21/2010	<u>238</u>	STIPULATION AND ORDER; that, consistent with the March 17, 2010 Stipulation and Order, the unsealing of materials relating to the parties' oppositions to summary judgment motions and certain documents from their motions for summary judgment in the above referenced actions shall be implemented as follows: (1) To the extent practicable and with the express exception of exhibits in a format that cannot be filed via ECF and overly voluminous exhibits (e.g., large Excel spreadsheets), the parties intend to file all materials related to the parties' summary judgment motions via simultaneous ECF submissions on Friday, May 21, 2010 at 1pm EDT with those portions of the materials the parties contend should remain under seal redacted; (2) To the extent any ECF "filing event" that occurs pursuant to Paragraph 1 would exceed 15 MB, the parties will, unless they are unable to, break it into subparts with subsequent parts clearly identified. Those materials shall remain on the ECF system to allow continued public access. (3) To extent the parties are unsealing certain additional documents from their summary judgment motions because redactions were approved by the Court or have been withdrawn, the parties shall only file those additional documents. (4) So as to further facilitate public access to the parties' summary judgment submissions, the parties shall also file a complete set of all materials related to the parties' summary judgment motions being filed via ECF on May 21, 2010, with those portions of the materials the parties contend should remain under seal redacted, manually with the Clerk of the Court in hard copy to the extent possible and CD/DVD as necessary, promptly after this Stipulation and Order is so-ordered by the Court, but in no event earlier than the filing in Paragraph 1; (5) The original materials filed under seal in connection with the parties' summary judgment motions shall remain under seal unless the Clerk of the Court is otherwise directed by the Court. SO ORDERED. (Signed by Judge Kimba M. Wood, Part I (signed at request of Judge Stanton's chambers), on 5/20/2010) (tve) (Entered: 05/21/2010)
05/21/2010	<u>239</u>	MEMORANDUM OF LAW in Opposition re: <u>167</u> MOTION for Summary Judgment. <i>Memorandum of Law in Opposition to Defendants' Motion for Summary Judgment.</i> Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Sims, Charles) (Entered: 05/21/2010)
05/21/2010	<u>240</u>	COUNTER STATEMENT TO <u>169</u> Rule 56.1 Statement. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Sims, Charles) (Entered: 05/21/2010)
05/21/2010	<u>241</u>	DECLARATION of Robert Bienstock in Opposition re: <u>167</u> MOTION for Summary Judgment.. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Sims, Charles) (Entered: 05/21/2010)

05/21/2010	<u>242</u>	DECLARATION of Daniel Hill in Opposition re: <u>167</u> MOTION for Summary Judgment.. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Sims, Charles) (Entered: 05/21/2010)
05/21/2010	<u>243</u>	DECLARATION of Noah S. Gitterman, Esq. in Opposition re: <u>167</u> MOTION for Summary Judgment.. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6, # <u>7</u> Exhibit 7, # <u>8</u> Exhibit 8, # <u>9</u> Exhibit 9, # <u>10</u> Exhibit 10, # <u>11</u> Exhibit 11, # <u>12</u> Exhibit 12, # <u>13</u> Exhibit 13, # <u>14</u> Exhibit 14, # <u>15</u> Exhibit 15, # <u>16</u> Exhibit 16-1, # <u>17</u> Exhibit 16-2)(Gitterman, Noah) (Entered: 05/21/2010)
05/21/2010	<u>244</u>	MEMORANDUM OF LAW in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>245</u>	RESPONSE in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint.. YouTube's Counterstatement to Viacom's Statement of Undisputed Facts.</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>246</u>	RESPONSE in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint.. Defendants' Counterstatement to Class Plaintiffs' Statement of Uncontroverted Material Facts.</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>247</u>	MEMORANDUM OF LAW in Support re: <u>224</u> MOTION to Strike.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>248</u>	DECLARATION of David King in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 9)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>249</u>	DECLARATION of Micah Schaffer in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>250</u>	DECLARATION of Anthony Weibell in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)

05/21/2010	<u>251</u>	DECLARATION of Chad Hurley in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>252</u>	DECLARATION of Steve Chen in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>253</u>	DECLARATION of Christopher Maxcy in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>254</u>	DECLARATION of Zahavah Levine in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>255</u>	DECLARATION of Brent Hurley in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>256</u>	DECLARATION of Michael Solomon in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>257</u>	DECLARATION of Michael Gordon in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>258</u>	DECLARATION of Andrew H. Schapiro in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 1 – 15, # <u>2</u> Exhibit 16, Part 1, # <u>3</u> Exhibit 16, Part 2, # <u>4</u> Exhibit 16, Part 3, # <u>5</u> Exhibit 16, Part 4, # <u>6</u> Exhibit 16, Part 5)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>259</u>	DECLARATION of Andrew H. Schapiro, Group 2, Exhibit 16, Part 6 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 16, Part 7, # <u>2</u> Exhibit 16, Part 8, # <u>3</u> Exhibit 16, Part 9, # <u>4</u> Exhibit 16, Part 10, # <u>5</u> Exhibit 17 – 24)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>260</u>	DECLARATION of Andrew H. Schapiro, Group 3, Exhibit 25 – 38 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 39 – 45, # <u>2</u> Exhibit 46 – 59, # <u>3</u> Exhibit 60 – 63, # <u>4</u> Exhibit 64, Part 1, # <u>5</u> Exhibit 64, Part 2, # <u>6</u> Exhibit 65 – 68, # <u>7</u> Exhibit 69 – 77)(Schapiro, Andrew) (Entered: 05/21/2010)

05/21/2010	<u>261</u>	DECLARATION of Andrew H. Schapiro, Group 4, Exhibit 78, Part 1 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc.. (Attachments: # <u>1</u> Exhibit 78, Part 2, # <u>2</u> Exhibit 79 – 84, # <u>3</u> Exhibit 85 – 90)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>262</u>	DECLARATION of Andrew H. Schapiro, Group 5, Exhibit 91, Part 1 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 91, Part 2, # <u>2</u> Exhibit 91, Part 3, # <u>3</u> Exhibit 91, Part 4, # <u>4</u> Exhibit 91, Part 5, # <u>5</u> Exhibit 91, Part 6, # <u>6</u> Exhibit 92 – 104, # <u>7</u> Exhibit 105 – 115)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>263</u>	DECLARATION of Andrew H. Schapiro, Group 6, Exhibit 116 – 127 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 128, # <u>2</u> Exhibit 129 – 134, # <u>3</u> Exhibit 135 – 141, # <u>4</u> Exhibit 142 – 174, # <u>5</u> Exhibit 175 – 194, # <u>6</u> Exhibit 195 – 204, # <u>7</u> Exhibit 205 – 214)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>264</u>	DECLARATION of Andrew H. Schapiro, Group 7, Exhibit 215, Part 1 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 215, Part 2, # <u>2</u> Exhibit 215, Part 3, # <u>3</u> Exhibit 215, Part 4, # <u>4</u> Exhibit 215, Part 5, # <u>5</u> Exhibit 216 – 222, # <u>6</u> Exhibit 223 – 237)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>265</u>	DECLARATION of Andrew H. Schapiro, Group 8, Exhibit 238 – 259 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 260 – 272, # <u>2</u> Exhibit 273 – 285, # <u>3</u> Exhibit 286 – 288, # <u>4</u> Exhibit 289 – 296, # <u>5</u> Exhibit 297 – 310, # <u>6</u> Exhibit 311, Part 1, # <u>7</u> Exhibit Part 2, # <u>8</u> Exhibit 312 – 314)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>266</u>	DECLARATION of Andrew H. Schapiro, Group 9, Exhibit 315 – 318 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 319 – 335, # <u>2</u> Exhibit 336, Part 1, # <u>3</u> Exhibit 336, Part 2, # <u>4</u> Exhibit 336, Part 3, # <u>5</u> Exhibit 337 – 345, # <u>6</u> Exhibit 346 – 368, # <u>7</u> Exhibit 369 – 373)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>267</u>	DECLARATION of Andrew H. Schapiro, Group 10, Exhibit 374 – 378 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 380 – 386, # <u>2</u> Exhibit 387 – 412, # <u>3</u> Exhibit 413 – 420, # <u>4</u> Exhibit 421 – 422, # <u>5</u> Exhibit 423, Part 1, # <u>6</u> Exhibit 423, Part 2, # <u>7</u> Exhibit 423, Part 3, # <u>8</u> Exhibit 424 – 425)(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>268</u>	RESPONSE in Support re: <u>167</u> MOTION for Summary Judgment. <i>Defendants' Local Rule 56.1 Statement.</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>269</u>	DECLARATION of Andrew H. Schapiro in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc.. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>270</u>	DECLARATION of Michael Rubin in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC.

		(Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>271</u>	DECLARATION of Micah Schaffer in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>272</u>	DECLARATION of Suzanne Reider in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>273</u>	DECLARATION of Andrew Schapiro, Group 11, Exhibit 379 in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 05/21/2010)
05/21/2010	<u>274</u>	DECLARATION of Elizabeth Anne Figueira, Esq. in Support re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Attachments: # <u>1</u> Exhibit 15, # <u>2</u> Exhibit 16, # <u>3</u> Exhibit 21, # <u>4</u> Exhibit 22, # <u>5</u> Exhibit 24, # <u>6</u> Exhibit 41, # <u>7</u> Exhibit 54, # <u>8</u> Exhibit 55, # <u>9</u> Exhibit 56, # <u>10</u> Exhibit 57, # <u>11</u> Exhibit 58, # <u>12</u> Exhibit 72, # <u>13</u> Exhibit 78 Part 1, # <u>14</u> Exhibit 78 Part 2, # <u>15</u> Exhibit 82, # <u>16</u> Exhibit 129, # <u>17</u> Exhibit 131, # <u>18</u> Exhibit 132, # <u>19</u> Exhibit 162, # <u>20</u> Exhibit 179)(Figueira, Elizabeth) (Entered: 05/21/2010)
05/21/2010	<u>275</u>	COUNTER STATEMENT TO <u>165</u> Rule 56.1 Statement,,, Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Attachments: # <u>1</u> Supplement Plaintiffs' Statement of Uncontroverted Facts (Redacted) Part 2)(Figueira, Elizabeth) (Entered: 05/21/2010)
05/21/2010	<u>276</u>	DECLARATION of Elizabeth Anne Figueira, Esq. in Opposition re: <u>167</u> MOTION for Summary Judgment.. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Scottish Premier League Limited, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Attachments: # <u>1</u> Exhibit 189, # <u>2</u> Exhibit 190, # <u>3</u> Exhibit 191, # <u>4</u> Exhibit 192, # <u>5</u> Exhibit 193, # <u>6</u> Exhibit 194, # <u>7</u> Exhibit 195, # <u>8</u> Exhibit 196, # <u>9</u> Exhibit 197, # <u>10</u> Exhibit 198, # <u>11</u> Exhibit 199, # <u>12</u> Exhibit 200, # <u>13</u> Exhibit 201, # <u>14</u> Exhibit 202, # <u>15</u> Exhibit 203, # <u>16</u> Exhibit 204, # <u>17</u> Exhibit 205, # <u>18</u> Exhibit 206, # <u>19</u> Exhibit 207, # <u>20</u> Exhibit 208, # <u>21</u> Exhibit 209, # <u>22</u> Exhibit 210, # <u>23</u> Exhibit 211, # <u>24</u> Exhibit 212, # <u>25</u> Exhibit 213, # <u>26</u> Exhibit 214, # <u>27</u> Exhibit 215, # <u>28</u> Exhibit 216, # <u>29</u> Exhibit 217, # <u>30</u> Exhibit 218, # <u>31</u> Exhibit 219, # <u>32</u> Exhibit 220, # <u>33</u> Exhibit 221, # <u>34</u> Exhibit 222, # <u>35</u> Exhibit 223, # <u>36</u> Exhibit 224 Part 1, # <u>37</u> Exhibit 224 Part 2, # <u>38</u> Exhibit 225, # <u>39</u> Exhibit 226, # <u>40</u> Exhibit 227 Part 1, # <u>41</u> Exhibit 227 Part 2, # <u>42</u> Exhibit 227 Part 3, # <u>43</u> Exhibit 227 Part 4, # <u>44</u> Exhibit 228, # <u>45</u> Exhibit 229, # <u>46</u> Exhibit 230, # <u>47</u> Exhibit 231, # <u>48</u> Exhibit 232, # <u>49</u> Exhibit 233, # <u>50</u> Exhibit 234, # <u>51</u> Exhibit 235, # <u>52</u> Exhibit 236, # <u>53</u>

		Exhibit 237, # <u>54</u> Exhibit 238, # <u>55</u> Exhibit 239, # <u>56</u> Exhibit 240, # <u>57</u> Exhibit 241, # <u>58</u> Exhibit 242, # <u>59</u> Exhibit 243, # <u>60</u> Exhibit 244, # <u>61</u> Exhibit 245, # <u>62</u> Exhibit 246, # <u>63</u> Exhibit 247, # <u>64</u> Exhibit 248, # <u>65</u> Exhibit 249, # <u>66</u> Exhibit 250, # <u>67</u> Exhibit 251, # <u>68</u> Exhibit 252, # <u>69</u> Exhibit 253, # <u>70</u> Exhibit 254, # <u>71</u> Exhibit 255, # <u>72</u> Exhibit 256, # <u>73</u> Exhibit 257, # <u>74</u> Exhibit 258, # <u>75</u> Exhibit 259, # <u>76</u> Exhibit 260, # <u>77</u> Exhibit 261, # <u>78</u> Exhibit 262, # <u>79</u> Exhibit 263, # <u>80</u> Exhibit 264, # <u>81</u> Exhibit 265, # <u>82</u> Exhibit 266, # <u>83</u> Exhibit 267, # <u>84</u> Exhibit 268, # <u>85</u> Exhibit 269, # <u>86</u> Exhibit 270, # <u>87</u> Exhibit 271, # <u>88</u> Exhibit 272 Part 1, # <u>89</u> Exhibit 272-2, # <u>90</u> Exhibit 272 Part 3, # <u>91</u> Exhibit 272 Part 4, # <u>92</u> Exhibit 272 Part 5, # <u>93</u> Exhibit 272 Part 6, # <u>94</u> Exhibit 272 Part 7, # <u>95</u> Exhibit 272 Part 8, # <u>96</u> Exhibit 272 Part 9, # <u>97</u> Exhibit 272 Part 10, # <u>98</u> Exhibit 272 Part 11, # <u>99</u> Exhibit 272 Part 12, # <u>100</u> Exhibit 272 Part 13, # <u>101</u> Exhibit 272 Part 14, # <u>102</u> Exhibit 272 Part 15, # <u>103</u> Exhibit 272 Part 16, # <u>104</u> Exhibit 272 Part 17, # <u>105</u> Exhibit 272 Part 18, # <u>106</u> Exhibit 272 Part 19, # <u>107</u> Exhibit 273, # <u>108</u> Exhibit 274, # <u>109</u> Exhibit 275, # <u>110</u> Exhibit 276, # <u>111</u> Exhibit 277, # <u>112</u> Exhibit 278, # <u>113</u> Exhibit 279, # <u>114</u> Exhibit 280, # <u>115</u> Exhibit 281, # <u>116</u> Exhibit 282, # <u>117</u> Exhibit 283, # <u>118</u> Exhibit 284, # <u>119</u> Exhibit 285, # <u>120</u> Exhibit 286, # <u>121</u> Exhibit 287, # <u>122</u> Exhibit 288, # <u>123</u> Exhibit 289, # <u>124</u> Exhibit 290, # <u>125</u> Exhibit 291, # <u>126</u> Exhibit 292, # <u>127</u> Exhibit 293, # <u>128</u> Exhibit 294, # <u>129</u> Exhibit 295, # <u>130</u> Exhibit 296, # <u>131</u> Exhibit 297, # <u>132</u> Exhibit 298, # <u>133</u> Exhibit 299, # <u>134</u> Exhibit 300, # <u>135</u> Exhibit 301, # <u>136</u> Exhibit 302, # <u>137</u> Exhibit 303, # <u>138</u> Exhibit 304, # <u>139</u> Exhibit 305, # <u>140</u> Exhibit 306, # <u>141</u> Exhibit 307, # <u>142</u> Exhibit 308, # <u>143</u> Exhibit 309, # <u>144</u> Exhibit 310, # <u>145</u> Exhibit 311, # <u>146</u> Exhibit 312, # <u>147</u> Exhibit 313, # <u>148</u> Exhibit 314, # <u>149</u> Exhibit 315, # <u>150</u> Exhibit 316, # <u>151</u> Exhibit 317, # <u>152</u> Exhibit 318, # <u>153</u> Exhibit 319, # <u>154</u> Exhibit 320, # <u>155</u> Exhibit 321, # <u>156</u> Exhibit 322, # <u>157</u> Exhibit 323, # <u>158</u> Exhibit 324, # <u>159</u> Exhibit 325, # <u>160</u> Exhibit 326, # <u>161</u> Exhibit 327, # <u>162</u> Exhibit 328, # <u>163</u> Exhibit 329, # <u>164</u> Exhibit 330, # <u>165</u> Exhibit 331, # <u>166</u> Exhibit 332, # <u>167</u> Exhibit 333 Part 1, # <u>168</u> Exhibit 333 Part 2, # <u>169</u> Exhibit 334, # <u>170</u> Exhibit 335, # <u>171</u> Exhibit 336, # <u>172</u> Exhibit 337, # <u>173</u> Exhibit 338)(Figueira, Elizabeth) (Entered: 05/21/2010)
05/21/2010	277	SEALED DOCUMENT placed in vault.(cb) (Entered: 05/24/2010)
05/26/2010	278	CLASS PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT-PUBLIC VERSION. VOLUME 1 OF 3. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	279	CLASS PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT-PUBLIC VERSION. VOLUME 2 OF 3. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	280	CLASS PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT-PUBLIC VERSION. VOLUME 3 OF 3. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. (mro) (Entered: 05/26/2010)
05/26/2010	281	EXHIBITS TO THE DECLARATION OF ELIZABETH ANNE FIGUEIRA IN SUPPORT OF CLASS PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT (DOCKET ENTRY NO. 166) THAT HAVE BEEN UNSEALED. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238.(mro) (Entered: 05/26/2010)
05/26/2010		VOLUME 1: EXHIBITS 1-75 (attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 326.(mro) (Entered: 05/26/2010)
05/26/2010		VOLUME 2: EXHIBITS 76-116 (attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial

		summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 327.(mro) (Entered: 05/26/2010)
05/26/2010		VOLUME 3: EXHIBITS 117-150(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 328.(mro) (Entered: 05/26/2010)
05/26/2010		VOLUME 4: EXHIBITS 151-210(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 329.(mro) (Entered: 05/26/2010)
05/26/2010		VOLUME 5: EXHIBITS 211-230(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 330.(mro) (Entered: 05/26/2010)
05/26/2010		VOLUME 6: EXHIBITS 231-275(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 331.(mro) (Entered: 05/26/2010)
05/26/2010		VOLUME 7: EXHIBITS 276-312(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 332.(mro) Modified on 5/26/2010 (mro). (Entered: 05/26/2010)
05/26/2010		VOLUME 8: EXHIBITS 313-349(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 333.(mro) (Entered: 05/26/2010)
05/26/2010		VOLUME 9: EXHIBITS 350-425(attached to the Declaration of Andrew H. Schapiro in support of defendants' opposition to plaintiffs' motions for partial summary judgment and defendants' objections to evidence and motion to strike material from Viacom's summary judgment submissions and putative class plaintiffs' Rule 56.1 statement). Document filed by the defendants. ***Accepted

		for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 334. (mro) (Entered: 05/26/2010)
05/26/2010		DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PARTIAL SUMMARY JUDGMENT. Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 335. (mro) (Entered: 05/26/2010)
05/26/2010		DECLARATION OF ANDREW H. SCHAPIRO IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PARTIAL SUMMARY JUDGMENT AND DEFENDANTS' OBJECTIONS TO EVIDENCE AND MOTION TO STRIKE MATERIAL FROM VIACOM'S SUMMARY JUDGMENT SUBMISSIONS AND PUTATIVE CLASS PLAINTIFFS' RULE 56.1 STATEMENT. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 336. (mro) (Entered: 05/26/2010)
05/26/2010		DEFENDANTS' MEMORANDUM OF LAW IN SUPPORT OF OBJECTIONS TO EVIDENCE AND MOTION TO STRIKE MATERIAL FROM VIACOM'S SUMMARY JUDGMENT SUBMISSIONS AND PUTATIVE CLASS PLAINTIFFS' RULE 56.1 STATEMENT. Document filed by the defendants. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 337. (mro) (Entered: 05/26/2010)
05/26/2010		DECLARATION OF DAVID KING IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT.***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 338. (mro) (Entered: 05/26/2010)
05/26/2010		DECLARATION OF CHAD HURLEY SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTIONS FOR PARTIAL SUMMARY JUDGMENT. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 339. (mro) (Entered: 05/26/2010)
05/26/2010		DEFENDANTS' COUNTER STATEMENT TO CLASS PLAINTIFFS' STATEMENT OF UNCONTROVERTED MATERIAL FACTS IN SUPPORT OF THEIR MOTION FOR PARTIAL SUMMARY JUDGMENT. *** Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 340. (mro) (Entered: 05/26/2010)
05/26/2010		DECLARATION OF MICAH SCHAFFER IN SUPPORT OF DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR PARTIAL SUMMARY JUDGMENT. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 341. (mro) (Entered: 05/26/2010)
05/26/2010		YOUTUBE'S COUNTER STATEMENT TO VIACOM'S STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT ON LIABILITY AND INAPPLICABILITY OF THE DIGITAL MILLENNIUM COPYRIGHT ACT SAFE HARBOR DEFENSE. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238. ***Original filed in case number 07-cv-2103, document number 342. (mro) (Entered: 05/26/2010)
05/26/2010	<u>282</u>	Amicus Curiae APPEARANCE entered by Asim M. Bhansali on behalf of eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc..(Bhansali, Asim) (Entered: 05/26/2010)
05/26/2010	<u>283</u>	MOTION for Leave to File Amici Curiae Brief. Document filed by eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc..(Bhansali, Asim) (Entered: 05/26/2010)

05/26/2010	<u>284</u>	DECLARATION of Michael S. Kwun in Support re: <u>283</u> MOTION for Leave to File Amici Curiae Brief.. Document filed by eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc.. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Bhansali, Asim) (Entered: 05/26/2010)
05/26/2010	<u>285</u>	BRIEF of Amici Curiae eBay, Inc., Facebook, Inc., IAC/Interactivecorp, and Yahoo! Inc. in Support of Defendants. Document filed by eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc..(Bhansali, Asim) (Entered: 05/26/2010)
05/26/2010	<u>286</u>	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. No Corporate Parent. Document filed by eBay, Inc., Facebook, Inc., IAC/Interactivecorp, Yahoo! Inc..(Bhansali, Asim) (Entered: 05/26/2010)
05/27/2010	287	CLASS PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT EXHIBITS (5-14) TO DECLARATION OF NOAH SISKIND GITTERMAN. ***Accepted for filing by the Chambers of Louis L. Stanton on 5/20/10, document number 238(mro) (Entered: 05/28/2010)
05/28/2010	<u>288</u>	FILING ERROR – DEFICIENT DOCKET ENTRY – MOTION for Leave to File Amicus Brief. Document filed by The Sideshow Coalition. (Attachments: # <u>1</u> Affidavit of Eric J. Grannis, # <u>2</u> Exhibit Amicus Brief of the Sideshow Coalition)(Grannis, Eric) Modified on 6/1/2010 (db). (Entered: 05/28/2010)
05/28/2010		***NOTE TO ATTORNEY TO RE-FILE DOCUMENT – DEFICIENT DOCKET ENTRY ERROR. Note to Attorney Eric Joseph Grannis to RE-FILE Document <u>288</u> MOTION for Leave to File Amicus Brief. ERROR(S): Supporting Documents (Declaration in Support and Memorandum of Law in Support) are filed separately, each getting there own Document #. ***REMINDER*** – First Re-File Motion, then file and link any supporting documents – found under the Event Type Replies, Opposition and Supporting Documents. (db) (Entered: 06/01/2010)
06/01/2010	289	SEALED DOCUMENT placed in vault.(cb) (Entered: 06/01/2010)
06/01/2010	<u>290</u>	MOTION for Leave to File Amicus Brief. Document filed by The Sideshow Coalition.(Grannis, Eric) (Entered: 06/01/2010)
06/01/2010	<u>291</u>	DECLARATION of Eric J. Grannis in Support re: <u>290</u> MOTION for Leave to File Amicus Brief.. Document filed by The Sideshow Coalition. (Grannis, Eric) (Entered: 06/01/2010)
06/01/2010	<u>292</u>	BRIEF of Amicus Curiae the Sideshow Coalition in Support of Defendants. Document filed by The Sideshow Coalition.(Grannis, Eric) (Entered: 06/01/2010)
06/04/2010	<u>293</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from Thomas C. Moore dated 5/28/2010 re: We represent the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., SESAC, Inc. and the Sports Rights Owners Coalition ("Amici") in connection with a motion for leave to file an amicus curiae brief in support of plaintiffs in the above-captioned matter. As set forth in more detail in the motion, Amici are simply seeking to place on the record of this action an exact copy of an amicus brief already received by the Court in the related Viacom action. By docket entry 231 in this Class Action, it appears that the Court already has determined that it wishes to have this brief so docketed and the enclosed motion seeks to carry out that direction by the Court. ENDORSEMENT: The docket entry will be take as deeming the brief filed in the records of each action no duplicative filing is required. So Ordered. (Signed by Judge Louis L. Stanton on 6/1/2010) (jmi) (Entered: 06/04/2010)
06/04/2010	294	SEALED DOCUMENT placed in vault.(nm) (Entered: 06/07/2010)
06/07/2010	<u>295</u>	STIPULATION AND ORDER STIPULATED HIGHLY CONFIDENTIAL FILED UNDER SEAL...regarding procedures to be followed that shall govern the handling of confidential material...SO ORDERED. (Signed by Judge Louis L. Stanton on 6/7/2010) (jmi) Modified on 6/22/2010 (jmi). (Entered: 06/07/2010)
06/08/2010	<u>296</u>	MEMO ENDORSED ON NOTICE OF MOTION FOR ADMISSION PRO HAC VICE OF RUSSELL J. FRACKMAN: ENDORSEMENT: Granted. No opposition. So Ordered. (Signed by Judge Louis L. Stanton on 6/7/2010) (js) (Entered: 06/08/2010)

		06/08/2010)
06/11/2010	297	SEALED DOCUMENT placed in vault.(cb) (Entered: 06/14/2010)
06/14/2010	298	SEALED DOCUMENT placed in vault.(cb) (Entered: 06/14/2010)
06/14/2010	<u>299</u>	MEMO ENDORSEMENT on re: <u>283</u> Motion for Leave to File Document. ENDORSEMENT: Granted. No opposition. So Ordered. (Signed by Judge Louis L. Stanton on 6/14/2010) (jfe) (Entered: 06/14/2010)
06/14/2010	<u>300</u>	MEMO ENDORSEMENT on re: Motion to Withdraw as Attorney. ENDORSEMENT: Leave granted. So Ordered. (Signed by Judge Louis L. Stanton on 6/14/2010) (jfe) (Entered: 06/14/2010)
06/18/2010	<u>301</u>	ORDER granting <u>290</u> Motion for Leave to File Document.ENDORSEMENT: granted. No opposition. (Signed by Judge Louis L. Stanton on 6/18/2010) (jmi) (Entered: 06/18/2010)
06/23/2010	<u>302</u>	STIPULATION AND ORDER: It is hereby stipulated and agreed by and between the parties that, consistent with the March 17, 2010 and May 21, 2010 Stipulations and Orders, the unsealing of materials relating to the parties' replies to summary judgment motions and certain documents from their motions for summary judgment motions in the above referenced actions shall be implemented as set forth in this Stipulation and Order. (Signed by Judge Louis L. Stanton on 6/23/2010) (jpo) (Entered: 06/23/2010)
06/23/2010	<u>303</u>	OPINION AND ORDER: Defendants are granted summary judgment that they qualify for the protection of 17 U. S. C. § 512 (c), as expounded above, against all of plaintiffs' claims for direct and secondary copyright infringement. Plaintiffs' motions for judgment are denied. The parties shall meet and confer about any issues requiring judicial attention remaining in these cases, and submit a report (jointly, if possible) by July 14, 2010. (Signed by Judge Louis L. Stanton on 6/23/2010) (jpo) Modified on 6/30/2010 (jpo). (Entered: 06/23/2010)
06/23/2010		Set Deadlines/Hearings:(Status Report due by 7/14/2010.) (jpo) (Entered: 06/23/2010)
06/23/2010		Set Deadlines/Hearings: Status Report due by 7/14/2010. (jpo) (Entered: 06/23/2010)
06/23/2010		Transmission to Judgments and Orders Clerk. Transmitted re: <u>303</u> Opinion and Order, to the Judgments and Orders Clerk. (jpo) (Entered: 06/23/2010)
06/25/2010	<u>304</u>	REPLY MEMORANDUM OF LAW in Support re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Sims, Charles) (Entered: 06/25/2010)
06/25/2010	<u>305</u>	DECLARATION of Elizabeth Anne Figueira in Support re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Attachments: # <u>1</u> Exhibit Tab 339 is true copy of the Document Bates-stamped G00001-06519634-6519638 produced by defendants)(Sims, Charles) (Entered: 06/25/2010)

06/25/2010	<u>306</u>	REPLY MEMORANDUM OF LAW in Support re: <u>167</u> MOTION for Summary Judgment., <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>307</u>	REPLY TO CLASS PLAINTIFFS' COUNTERSTATEMENT OF CONTROVERTED MATERIAL FACTS IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>308</u>	REPLY TO VIACOM'S COUNTER-STATEMENT IN RESPONSE TO DEFENDANTS' LOCAL RULE 56.1 STATEMENT IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT & RESPONSE TO VIACOM'S SUPPLEMENTAL COUNTER-STATEMENT. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>309</u>	DECLARATION of DAVID KING in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>310</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 1 – 3, # <u>2</u> Exhibit 4 – 12, # <u>3</u> Exhibit 13 – 17, # <u>4</u> Exhibit 18 PART 1, # <u>5</u> Exhibit 18 PART 2, # <u>6</u> Exhibit 19 – 32, # <u>7</u> Exhibit 33 – 41, # <u>8</u> Exhibit 42 PART 1)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>311</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 43–55, # <u>2</u> Exhibit 56–62, # <u>3</u> Exhibit 63–64, # <u>4</u> Exhibit 65–72, # <u>5</u> Exhibit 73 PART 1, # <u>6</u> Exhibit 73 PART 2)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>312</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 73 PART 4, # <u>2</u> Exhibit 73 PART 5, # <u>3</u> Exhibit 73 PART 6, # <u>4</u> Exhibit 73 PART 7, # <u>5</u> Exhibit 74 – 91)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>313</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 96 – 109, # <u>2</u> Exhibit 110 PART 1, # <u>3</u> Exhibit 110 PART 2, # <u>4</u> Exhibit 110 PART 3, # <u>5</u> Exhibit 110 PART 4)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>314</u>	DECLARATION of ANDREW H. SCHAPIRO in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 110 PART 6, # <u>2</u> Exhibit 111 – 134, # <u>3</u> Exhibit 135 – 146, # <u>4</u> Exhibit 147 PART 1, # <u>5</u> Exhibit 147 PART 2, # <u>6</u> Exhibit 148 – 155, # <u>7</u> Exhibit 156 – 161, # <u>8</u> Exhibit 162 – 198)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>315</u>	DECLARATION of MICHAEL RUBIN in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 1 – 6, # <u>2</u> Exhibit 7 PART 1, # <u>3</u> Exhibit 7 PART 2, # <u>4</u> Exhibit 7 PART 3, # <u>5</u> Exhibit 7 PART 4, # <u>6</u> Exhibit 7 PART 5, # <u>7</u> Exhibit 7 PART 6)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>316</u>	DECLARATION of MICHAEL RUBIN in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 16 – 17, # <u>2</u> Exhibit 18 – 26, # <u>3</u> Exhibit 27 – 30, # <u>4</u> Exhibit 31 – 42, # <u>5</u> Exhibit 43 – 44, # <u>6</u> Exhibit 45 – 71)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>317</u>	DECLARATION of MICHAEL RUBIN in Support re: <u>167</u> MOTION for Summary Judgment.. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 162 – 177, # <u>2</u> Exhibit 178 – 180, # <u>3</u> Exhibit 181

		– 184, # <u>4</u> Exhibit 185, # <u>5</u> Exhibit 186 – 191, # <u>6</u> Exhibit 192 – 355)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>318</u>	COUNTER STATEMENT TO <u>169</u> Rule 56.1 Statement. Document filed by The Music Force LLC, Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., The Football Association Premier League Limited, Robert Tur, National Music Publishers' Association, The Rodgers & Hammerstein Organization, Edward B. Marks Music Company, Freddy Bienstock Music Company, Alley Music Corporation, X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Sin-Drome Records, Ltd., Murbo Music Publishing, Inc., Stage Three Music (US), Inc., Bourne Co.. (Attachments: # <u>1</u> Supplement Class Plaintiffs' Counterstatement of Controverted Material Facts (Part 2))(Sims, Charles) (Entered: 06/25/2010)
06/25/2010	<u>319</u>	DECLARATION of ANDREW H. SCHAPIRO in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Attachments: # <u>1</u> Exhibit 117, # <u>2</u> Exhibit 213, # <u>3</u> Exhibit 267 and 360)(Schapiro, Andrew) (Entered: 06/25/2010)
06/25/2010	<u>320</u>	MEMORANDUM OF LAW in Opposition re: <u>158</u> MOTION for Partial Summary Judgment <i>dismissing with prejudice Defendants' First Defense asserted in Defendants' Answer to the Second Amended Class Action Complaint...</i> Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (Schapiro, Andrew) (Entered: 06/25/2010)
06/28/2010		REPLY MEMORANDUM OF LAW in Support of Class Plaintiffs' Motion for Partial Summary Judgment dismissing defendants' first defense(DMCA Safe Harbor Defense). Document filed by class plaintiffs. ***Accepted for filing by the Honorable Louis L. Stanton on 6/23/10 (document number 302).***Original filed in case number 07-cv-2103, document number 383.(mro) (Entered: 06/29/2010)
06/28/2010	321	REPLY DECLARATION of Elizabeth Anne Figueira in Support of class plaintiffs' motion for partial summary judgment. Document filed by class plaintiffs. ***Accepted for filing by the Honorable Louis L. Stanton on 6/23/10 (document number 302). (mro) (Entered: 06/29/2010)
06/28/2010	322	CLASS PLAINTIFFS' COUNTERSTATEMENT OF CONTROVERTED MATERIAL FACTS IN OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT. Document filed by class plaintiffs. ***Accepted for filing by the Honorable Louis L. Stanton on 6/23/10 (document number 302). (mro) (Entered: 06/29/2010)
06/30/2010		(REDACTED PUBLIC VERSION) MEMORANDUM OF LAW in Support of Defendants' Motion for Summary Judgment. Original document filed in 07-cv-2103 Document # 384. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010		(REDACTED PUBLIC VERSION) REPLY to class Plaintiffs' counter-statement of controverted material facts in Opposition to Defendants' Motion for Summary Judgment. Original document docketed in case number 07-cv-2103 document # 385). Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010	323	(REDACTED PUBLIC VERSION) DECLARATION of David King in Support of Defendants' Motion for Summary Judgment. (Original Files in case number 07-cv-2103 document # 386) Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010		(REDACTED PUBLIC VERSION) REPLY DECLARATION of Michael Rubin in Support pf defendants' motion for Summary Judgment. Original filed in case number 07-cv-2103 document # 387. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010		(REDACTED PUBLIC VERSION)DECLARATION of Andrew H. Schapiro in Support of defendants' motion for Summary Judgment. Original filed in case

		number 07-cv-2103 document # 388. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010		(REDACTED PUBLIC VERSION) REPLY to Viacom's counter-statement in response to defendants' Local Rule 56.1 Statement in Support of defendants' motion for Summary Judgment & Response to Viacom's Supplemental Counter-Statement. Original document filed in case number 07-cv-2103 document # 389. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010		(REDACTED PUBLIC VERSION) REPLY DECLARATION of Michael Rubin in Support of defendants' Motion for Summary Judgment. (Volume 1: Exhibits 1-50) Original document filed in case number 07-cv-2103 document # 390. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010		(REDACTED PUBLIC VERSION) REPLY DECLARATION of Michael Rubin in Support of defendants' Motion for Summary Judgment. (Volume 2: Exhibits 51-355). Original filed in case number 07-cv-3582 document # 391. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010		(REDACTED PUBLIC VERSION) DECLARATION of Andrew H. Schapiro in Support of defendants' motion for Summary Judgment. (Volume 1: Exhibits 1-50). Original filed in case number 07-cv-2103 document # 392. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010		(REDACTED PUBLIC VERSION) DECLARATION of Andrew H. Schapiro in Support of defendants' motion for Summary Judgment. (Volume 2: Exhibits 51-80.) Original filed in case number 07-cv-2103 document #393 Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
06/30/2010		(REDACTED PUBLIC VERSION) DECLARATION of Andrew H. Schapiro in Support of defendants' Motion for Summary Judgment. (Exhibits 81-198.) Original document filed in case number 07-cv-3582 document # 394. Document filed by Google, Inc., Youtube, Inc., Youtube, LLC. (mbe) (Entered: 07/06/2010)
07/30/2010	<u>324</u>	ENDORSED LETTER addressed to Judge Louis L. Stanton from William F. Bly dated 6/30/10 re: The enclosed documents submitted in response to the Court's Order of March 5, 2010, regarding the unsealing of documents. ENDORSEMENT: I have reviewed the documents and proposed redactions submitted with this letter. The redactions are narrowly tailored, fully justified, approved and shall remain in effect. So ordered. (Signed by Judge Louis L. Stanton on 7/29/10) (rjm) (Entered: 07/30/2010)
08/02/2010	<u>326</u>	ORDER that I have reviewed Exhibits 253, 254, 305 and 334 to the 4/30 (as amended 5/7), 2010 Declaration of Elizabeth Figueira in Opposition to Defendants' Motion for Summary Judgment and conclude that: Exhibits 253 and 254 may be kept sealed in full, and as further set forth in this order. (Signed by Judge Louis L. Stanton on 8/2/10) (cd) (Entered: 08/05/2010)
08/04/2010	<u>325</u>	ORDER After examining the redactions proposed by the defendants with respect to confidential personal and business information contained in submissions filed in support of Defendants' Opposition to Plaintiffs' Motions for Partial Summary Judgment, Viacom's Opposition to Defendants' Motion for Summary Judgment, Class Plaintiffs' Opposition to Defendants' Motion for Summary Judgment, Defendants' Reply in Support of Defendants' Motion for Summary Judgment, Viacom's Reply in Support of Viacom's Motion for Partial Summary Judgment, and Class Plaintiffs' Reply Motion for Partial Summary Judgment – together with the reasons given for continued confidential treatment of the designated material, I have determined that the protection of the value of this private, proprietary and commercially sensitive information to its owners clearly outweighs any countervailing public interest in its disclosure to the general public and to competitors, and justifies its redaction, together with personally identifiable matter such as addresses, telephone and account numbers, family and personal affairs and similar information, publicly filed and disclosed. So ordered. (Signed by Judge Louis L. Stanton on 8/4/2010) (jmi) (Entered: 08/04/2010)

08/09/2010	<u>330</u>	CLASS PLAINTIFFS' NOTICE OF MOTION FOR CLASS CERTIFICATION. (This document was previously sealed in envelope # 209, and unsealed with order # 327) Document filed by Bourne Co., Cherry Lane Music Publishing Company, Inc., Federation Francaise De Tennis, Murbo Music Publishing, Inc., The Football Association Premier League Limited, Robert Tur, X-Ray Dog Music, Inc.(mbe) (Entered: 08/10/2010)
08/10/2010	<u>327</u>	ORDER: Judgment for defendants in this case having been entered on August 9, 2010, Class Plaintiffs' Motion for Class Certification, which was filed under seal on April 9, 2010, is dismissed as moot. The parties having filed all materials in connection with that motion under seal, the Clerk of the Court is directed to unseal Class Plaintiffs' Notice of Motion for Class Certification, recorded in docket entry 209, and return the remainder of the material whose filing is recorded in docket entry 209 and the material whose filing is recorded in docket entries 277, 289, 297 and 298 to the parties. (Signed by Judge Louis L. Stanton on 8/9/2010) (tro) (Entered: 08/10/2010)
08/10/2010		Transmission to Sealed Records Clerk. Transmitted re: <u>327</u> Order, to the Sealed Records Clerk for the sealing or unsealing of document or case. (tro) (Entered: 08/10/2010)
08/10/2010	<u>328</u>	JOINT STIPULATION AND ORDER REGARDING YOUTUBE'S MOTION FOR SANCTIONS: The parties agree that this Stipulation and Order, when entered by the Court, disposes of the Protective Order Issue in its entirety. Tur hereby: (i) dismisses his entire case against YouTube with prejudice including, without limitation, any right to appeal from the Summary Judgment Order; and (ii) agrees to file a separate dismissal with prejudice as soon as practicable. YouTube hereby withdraws, with prejudice, its request for permission to move for sanctions against Tur in connection with the protective Order Issue and hereby waives and relinquishes any right to seek sanctions or any other form of relief against Tur arising out of or related to the Protective Order Issue. Tur shall pay YouTube the sum of Twenty Thousand and 00/100 dollars (\$20,000.00) on or before five (5) business days after the Order requested herein is entered. Tur shall have no liability or obligation for costs, attorneys fees or other relief in this action, and as further set forth in this Order. Robert Tur terminated. (Signed by Judge Louis L. Stanton on 8/9/2010) (tro) (Entered: 08/10/2010)
08/10/2010	<u>329</u>	STIPULATION AND ORDER: The parties have met and conferred and reach a stipulated resolution regarding the treatment of removed videos, as further set forth in this Order. (Signed by Judge Louis L. Stanton on 8/9/2010) (tro) (Entered: 08/10/2010)
08/10/2010	<u>332</u>	FINAL JUDGMENT that for the reasons set forth in the Court's Opinion and Order dated June 23, 2010, judgment is entered for Defendants and against Plaintiffs on all of Plaintiffs' claims. (Signed by Judge Louis L. Stanton on 8/9/10) (Attachments: # <u>1</u> notice of right to appeal)(ml) (Entered: 08/10/2010)
08/10/2010		***DELETED DOCUMENT. Deleted document number 331 Final Judgment. The document was incorrectly filed in this case. (ml) (Entered: 08/10/2010)
08/11/2010	<u>334</u>	SEALED MATERIALS RETRIEVED: Document(s) 277 and 289 were retrieved. Law Firm retrieving records: Mayer Brown. Person retrieving records: Abayomi Talbot on 8/11/10.(dn) (Entered: 08/13/2010)
08/12/2010	<u>335</u>	SEALED MATERIALS RETRIEVED: Document(s) 298 were retrieved. Law Firm retrieving records: Proskauer Rose LLP. Person retrieving records: Jesus Hernandez on 8/12/2010.(nm) (Entered: 08/13/2010)
08/12/2010	<u>336</u>	NOTICE OF APPEAL from <u>303</u> Memorandum & Opinion,, <u>332</u> Judgment,. Document filed by Alley Music Corporation, Bourne Co., Cal IV Entertainment, LLC, Cherry Lane Music Publishing Company, Inc., Edward B. Marks Music Company, Federation Francaise De Tennis, Freddy Bienstock Music Company, National Music Publishers' Association, Sin-Drome Records, Ltd., Stage Three Music (US), Inc., The Football Association Premier League Limited, The Music Force LLC, The Music Force Media Group LLC, The Rodgers & Hammerstein Organization, X-Ray Dog Music, Inc.. Filing fee \$ 455.00, receipt number E 911803. (nd) (Entered: 08/13/2010)

08/13/2010		Transmission of Notice of Appeal to the District Judge re: <u>336</u> Notice of Appeal,, (nd) (Entered: 08/13/2010)
08/13/2010		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: <u>336</u> Notice of Appeal,, (nd) (Entered: 08/13/2010)
08/13/2010		<p>Appeal Record Sent to USCA (Electronic File). Certified Indexed record on Appeal Electronic Files for <u>174</u> Declaration in Support of Motion filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>167</u> MOTION for Summary Judgment. filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>258</u> Declaration in Opposition to Motion, filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>96</u> MOTION for Gerald E. Martin to Appear Pro Hac Vice. filed by Cal IV Entertainment, LLC, <u>253</u> Declaration in Opposition to Motion, filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>326</u> Order, <u>184</u> Declaration in Support of Motion,, filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>189</u> Declaration in Support of Motion,, filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>314</u> Declaration in Support of Motion, filed by Youtube, LLC, Youtube, Inc., Google, Inc., <u>197</u> Notice of Change of Address, filed by The Football Association Premier League Limited, <u>251</u> Declaration in Opposition to Motion, filed by Youtube, LLC, Youtube, Inc., <u>241</u> Declaration in Opposition to Motion,, filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, Stage Three Music (US), Inc., The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., The Scottish Premier League Limited, National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., The Music Force Media Group LLC, Bourne Co., Federation Francaise De Tennis, Robert Tur, The Football Association Premier League Limited, Murbo Music Publishing, Inc., <u>46</u> MOTION for John H. Hinderaker to Appear Pro Hac Vice. filed by Google, Inc., Youtube, LLC, Youtube, Inc., <u>312</u> Declaration in Support of Motion, filed by Google, Inc., Youtube, LLC, Youtube, Inc., <u>275</u> Counter Statement to Rule 56.1., filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, Stage Three Music (US), Inc., The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., The Scottish Premier League Limited, National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Bourne Co., Robert Tur, The Football Association Premier League Limited, Murbo Music Publishing, Inc., <u>293</u> Endorsed Letter,, <u>49</u> Notice of Appearance filed by The Music Force LLC, <u>120</u> MOTION for Judgment on the Pleadings. filed by Google, Inc., Youtube, LLC, Youtube, Inc., <u>39</u> Order Admitting Attorney Pro Hac Vice, <u>107</u> Affidavit of Service Other, filed by Bourne Co., The Football Association Premier League Limited, <u>20</u> Rule 7.1 Corporate Disclosure Statement filed by Google, Inc., Youtube, LLC, Youtube, Inc., <u>74</u> Endorsed Letter, <u>173</u> Declaration in Support of Motion, filed by Google, Inc., Youtube, LLC, Youtube, Inc., <u>267</u> Declaration in Opposition to Motion,, filed by Google, Inc., Youtube, LLC, Youtube, Inc., <u>328</u> Stipulation and Order, Terminate Motions, Add and Terminate Parties,,,,,, <u>137</u> Stipulation and Order, <u>255</u> Declaration in Opposition to Motion, filed by Google, Inc., Youtube, LLC, Youtube, Inc., <u>8</u> Stipulation and Order, <u>313</u> Declaration in Support of Motion, filed by Google, Inc., Youtube, LLC, Youtube, Inc., <u>303</u> Memorandum & Opinion,, <u>111</u> Stipulation and Order, Set Deadlines/Hearings,, <u>221</u> Order on Motion to File Amicus Brief,, <u>329</u> Stipulation and Order, <u>248</u> Declaration in Opposition to Motion, filed by Google, Inc., Youtube, LLC, Youtube, Inc., <u>104</u> Notice of Appearance filed by Cal IV Entertainment, LLC, <u>336</u> Notice of Appeal,, filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, Stage Three Music (US), Inc., The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Bourne Co., The Football Association Premier League Limited, <u>234</u> Notice of Appearance filed by Broadcast Music, Inc., SESAC, Inc., Sports Rights Owners Coalition, American Society of Composers, Authors And Publishers, <u>88</u> Rule 7.1 Corporate Disclosure Statement filed by Federation Francaise De Tennis, <u>166</u> Declaration in Support of Motion,,,,,, filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, The Rodgers</p>

&Hammerstein Organization, Sin-Drome Records, Ltd., The Scottish Premier League Limited, National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Bourne Co., Robert Tur, The Football Association Premier League Limited, Murbo Music Publishing, Inc., 131 Reply Memorandum of Law in Opposition to Motion,, filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., The Scottish Premier League Limited, National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Bourne Co., Robert Tur, The Football Association Premier League Limited, Murbo Music Publishing, Inc., 113 Notice of Change of Address filed by The Music Force LLC, The Music Force Media Group LLC, 180 Declaration in Support of Motion filed by Google, Inc., Youtube, LLC, Youtube, Inc., 284 Declaration in Support of Motion, filed by IAC/Interactivecorp, Facebook, Inc., Yahoo! Inc., eBay, Inc., 143 Memorandum of Law in Support of Motion,, filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Bourne Co., Robert Tur, The Football Association Premier League Limited, Murbo Music Publishing, Inc., 142 MOTION for Reconsideration re; 140 Endorsed Letter., MOTION for Reconsideration re; 140 Endorsed Letter., filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Bourne Co., Robert Tur, The Football Association Premier League Limited, Murbo Music Publishing, Inc., 307 Reply filed by Google, Inc., Youtube, LLC, Youtube, Inc., 58 Amended Complaint,, filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., The Scottish Premier League Limited, National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Bourne Co., Robert Tur, The Football Association Premier League Limited, 18 Notice of Appearance filed by Google, Inc., Youtube, LLC, Youtube, Inc., 195 Notice of Change of Address, filed by The Football Association Premier League Limited, 102 Order on Motion to Appear Pro Hac Vice, 60 MOTION for Dylan J. Liddiard to Appear Pro Hac Vice. filed by Google, Inc., Youtube, LLC, Youtube, Inc., 38 Order Admitting Attorney Pro Hac Vice, 1 Complaint filed by Bourne Co., The Football Association Premier League Limited, 235 MOTION for Leave to File Brief of Amici Curiae. filed by Broadcast Music, Inc., SESAC, Inc., Sports Rights Owners Coalition, American Society of Composers, Authors And Publishers, 80 Notice of Appearance filed by Alley Music Corporation, Edward B. Marks Music Company, The Rodgers & Hammerstein Organization, National Music Publishers' Association, Freddy Bienstock Music Company, 73 Endorsed Letter, Set Deadlines/Hearings., 156 Stipulation and Order, Set Deadlines/Hearings., 187 Declaration in Support of Motion, filed by Google, Inc., Youtube, LLC, Youtube, Inc., 30 MOTION for Shayna S. Cook to Appear Pro Hac Vice. filed by Google, Inc., Youtube, LLC, Youtube, Inc., 239 Memorandum of Law in Opposition to Motion,, filed by Alley Music Corporation, Cal IV Entertainment, LLC, Edward B. Marks Music Company, Stage Three Music (US), Inc., The Rodgers & Hammerstein Organization, Sin-Drome Records, Ltd., The Scottish Premier League Limited, National Music Publishers' Association, Freddy Bienstock Music Company, The Music Force LLC, Cherry Lane Music Publishing Company, Inc., X-Ray Dog Music, Inc., Federation Francaise De Tennis, The Music Force Media Group LLC, Bourne Co., Robert Tur, The Football Association Premier League Limited, Murbo Music Publishing, Inc., 55 MOTION for Michael H. Rubin to

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08/24/2010	<u>337</u>	<p>SEALED MATERIALS RETRIEVED: Document(s) 209 and 297 were retrieved. Law Firm retrieving records: Bernstein Litowitz Berger & Grossmann LLP. Person retrieving records: Alex Feroso, Jr. on 8/24/2010.(nm) (Entered: 08/24/2010)</p>

Exhibit 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

VIACOM INTERNATIONAL INC., COMEDY
PARTNERS, COUNTRY MUSIC TELEVISION,
INC., PARAMOUNT PICTURES CORPORATION,
and BLACK ENTERTAINMENT TELEVISION LLC,

Plaintiffs, 07 Civ. 2103 (LLS)

-against-

YOUTUBE, INC., YOUTUBE, LLC, and
GOOGLE, INC.,

Defendants,

-----X

THE FOOTBALL ASSOCIATION PREMIER
LEAGUE LIMITED, et al., on
behalf of themselves and all
others similarly situated,

Plaintiffs,

OPINION AND ORDER

-against-

YOUTUBE, INC., YOUTUBE, LLC, and
GOOGLE, INC.,

Defendants.

-----X

07 Civ. 3582 (LLS)

Defendants move for summary judgment that they are entitled to the Digital Millennium Copyright Act's ("DMCA"), 17 U.S.C. § 512(c), "safe harbor" protection against all of plaintiffs' direct and secondary infringement claims, including claims for "inducement" contributory liability, because they had insufficient notice, under the DMCA, of the particular infringements in suit.

Plaintiffs cross-move for partial summary judgment that defendants are not protected by the statutory "safe harbor" provision, but "are liable for the intentional infringement of thousands of Viacom's copyrighted works, . . . for the vicarious infringement of those works, and for the direct infringement of those works . . . because: (1) Defendants had 'actual knowledge' and were 'aware of facts and circumstances from which infringing activity [was] apparent,' but failed to 'act[] expeditiously' to stop it; (2) Defendants 'receive[d] a financial benefit directly attributable to the infringing activity' and 'had the right and ability to control such activity;' and (3) Defendants' infringement does not result solely from providing 'storage at the direction of a user' or any other Internet function specified in section 512." (See the parties' Notices of Motion).

Resolution of the key legal issue presented on the parties' cross-motions requires examination of the DMCA's "safe harbor" provisions, 17 U.S.C. § 512(c), (m) and (n) which state:

(c) Information residing on systems or networks at direction of users.—

(1) In general.—A service provider shall not be liable for monetary relief, or, except as provided in subsection (j), for injunctive or other equitable relief, for infringement of copyright by reason of the storage at the direction of a user of material that resides on a system or network controlled or operated by or for the service provider, if the service provider—

(A)(i) does not have actual knowledge that the material or an activity using the material on the system or network is infringing;

(ii) in the absence of such actual knowledge, is not aware of facts or circumstances from which infringing activity is apparent; or

(iii) upon obtaining such knowledge or awareness, acts expeditiously to remove, or disable access to, the material;

(B) does not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity; and

(C) upon notification of claimed infringement as described in paragraph (3), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity.

(2) Designated agent.—The limitations on liability established in this subsection apply to a service provider only if the service provider has designated an agent to receive notifications of claimed infringement described in paragraph (3), by making available through its service, including on its website in a location accessible to the public, and by providing to the Copyright Office, substantially the following information:

(A) the name, address, phone number, and electronic mail address of the agent.

(B) Other contact information which the Register of Copyrights may deem appropriate.

The Register of Copyrights shall maintain a current directory of agents available to the public for inspection, including through the Internet, in both electronic and hard copy formats, and may require payment of a fee by service providers to cover the costs of maintaining the directory.

(3) Elements of notification.-

(A) To be effective under this subsection, a notification of claimed infringement must be a written communication provided to the designated agent of a service provider that includes substantially the following:

(i) A physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

(ii) Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.

(iii) Identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the service provider to locate the material.

(iv) Information reasonably sufficient to permit the service provider to contact the complaining party, such as an address, telephone number, and, if available, an electronic mail address at which the complaining party may be contacted.

(v) A statement that the complaining party has a good faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

(vi) A statement that the information in the notification is accurate, and under penalty of perjury, that the complaining party is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

(B)(i) Subject to clause (ii), a notification from a copyright owner or from a person authorized to act on behalf of the copyright owner that fails to comply substantially with the provisions of subparagraph (A) shall not be considered under paragraph (1)(A) in determining whether a service provider has actual knowledge or is aware of facts or circumstances from which infringing activity is apparent.

(ii) In a case in which the notification that is provided to the service provider's designated agent fails to comply substantially with all the provisions of subparagraph (A) but substantially complies with clauses (ii), (iii), and (iv) of subparagraph (A), clause (i) of this subparagraph applies only if the service provider promptly attempts to contact the person making the notification or takes other reasonable steps to assist in the receipt of notification that substantially complies with all the provisions of subparagraph (A).

* * *

(m) Protection of privacy.—Nothing in this section shall be construed to condition the applicability of subsections (a) through (d) on—

(1) a service provider monitoring its service or affirmatively seeking facts indicating infringing activity, except to the extent consistent with a standard technical measure complying with the provisions of subsection (i); or

(2) a service provider gaining access to, removing, or disabling access to material in cases in which such conduct is prohibited by law.

(n) Construction.—Subsections (a), (b), (c), and (d) describe separate and distinct functions for purposes of applying this section. Whether a

service provider qualifies for the limitation on liability in any one of those subsections shall be based solely on the criteria in that subsection, and shall not affect a determination of whether that service provider qualifies for the limitations on liability under any other such subsection.

Defendant YouTube, owned by defendant Google, operates a website at <http://www.youtube.com> onto which users may upload video files free of charge. Uploaded files are copied and formatted by YouTube's computer systems, and then made available for viewing on YouTube. Presently, over 24 hours of new video-viewing time is uploaded to the YouTube website every minute. As a "provider of online services or network access, or the operator of facilities therefor" as defined in 17 U.S.C. § 512(k)(1)(B), YouTube is a service provider for purposes of § 512(c).

From plaintiffs' submissions on the motions, a jury could find that the defendants not only were generally aware of, but welcomed, copyright-infringing material being placed on their website. Such material was attractive to users, whose increased usage enhanced defendants' income from advertisements displayed on certain pages of the website, with no discrimination between infringing and non-infringing content.

Plaintiffs claim that "tens of thousands of videos on YouTube, resulting in hundreds of millions of views, were taken unlawfully from Viacom's copyrighted works without

authorization" (Viacom Br., Dkt. No. 186, p. 1), and that "Defendants had 'actual knowledge' and were 'aware of facts or circumstances from which infringing activity [was] apparent,' but failed to do anything about it." (Id. at 4) (alteration in original).

However, defendants designated an agent, and when they received specific notice that a particular item infringed a copyright, they swiftly removed it. It is uncontroverted that all the clips in suit are off the YouTube website, most having been removed in response to DMCA takedown notices.

Thus, the critical question is whether the statutory phrases "actual knowledge that the material or an activity using the material on the system or network is infringing," and "facts or circumstances from which infringing activity is apparent" in § 512(c)(1)(A)(i) and (ii) mean a general awareness that there are infringements (here, claimed to be widespread and common), or rather mean actual or constructive knowledge of specific and identifiable infringements of individual items.

1.

Legislative History

The Senate Committee on the Judiciary Report, S. Rep. No. 105-190 (1998), gives the background at page 8:

Due to the ease with which digital works can be copied and distributed worldwide virtually instantaneously, copyright owners will hesitate to make their works readily available on the Internet without reasonable assurance that they will be protected against massive piracy. Legislation implementing the treaties provides this protection and creates the legal platform for launching the global digital on-line marketplace for copyrighted works. It will facilitate making available quickly and conveniently via the Internet the movies, music, software, and literary works that are the fruit of American creative genius. It will also encourage the continued growth of the existing off-line global marketplace for copyrighted works in digital format by setting strong international copyright standards.

At the same time, without clarification of their liability, service providers may hesitate to make the necessary investment in the expansion of the speed and capacity of the Internet. In the ordinary course of their operations service providers must engage in all kinds of acts that expose them to potential copyright infringement liability. For example, service providers must make innumerable electronic copies by simply transmitting information over the Internet. Certain electronic copies are made in order to host World Wide Web sites. Many service providers engage in directing users to sites in response to inquiries by users or they volunteer sites that users may find attractive. Some of these sites might contain infringing material. In short, by limiting the liability of service providers, the DMCA ensures that the efficiency of the Internet will continue to improve and that the variety and quality of services on the Internet will continue to expand.

It elaborates:

There have been several cases relevant to service provider liability for copyright infringement. Most have approached the issue from the standpoint of contributory and vicarious liability. Rather than embarking upon a wholesale clarification of these doctrines, the Committee decided to leave current law in its evolving state and, instead, to create a series of "safe harbors," for certain common activities of

service providers. A service provider which qualifies for a safe harbor, receives the benefit of limited liability.

Id. at 19 (footnote omitted).

The Senate Judiciary Committee Report and the House Committee on Commerce Report, H.R. Rep. No. 105-551, pt. 2 (1998), in almost identical language describe the DMCA's purpose and structure (Senate Report at 40-41, House Report at 50):

New section 512 contains limitations on service providers' liability for five general categories of activity set forth in subsections (a) through (d) and subsection (f). As provided in subsection (k), section 512 is not intended to imply that a service provider is or is not liable as an infringer either for conduct that qualifies for a limitation of liability or for conduct that fails to so qualify. Rather, the limitations of liability apply if the provider is found to be liable under existing principles of law.

The limitations in subsections (a) through (d) protect qualifying service providers from liability for all monetary relief for direct, vicarious and contributory infringement. Monetary relief is defined in subsection (j)(2) as encompassing damages, costs, attorneys' fees, and any other form of monetary payment. These subsections also limit injunctive relief against qualifying service providers to the extent specified in subsection (i). To qualify for these protections, service providers must meet the conditions set forth in subsection (h), and service providers' activities at issue must involve a function described in subsection (a), (b), (c), (d) or (f), respectively. The liability limitations apply to networks "operated by or for the service provider," thereby protecting both service providers who offer a service and subcontractors who may operate parts of, or an entire, system or network for another service provider.

They discuss the "applicable knowledge standard"

(Senate Report at 44-45, House Report at 53-54):

Subsection (c)(1)—In general.—Subsection (c)(1)(A) sets forth the applicable knowledge standard. This standard is met either by actual knowledge of infringement or in the absence of such knowledge by awareness of facts or circumstances from which infringing activity is apparent. The term "activity" is intended to mean activity using the material on the system or network. The Committee intends such activity to refer to wrongful activity that is occurring at the site on the provider's system or network at which the material resides, regardless of whether copyright infringement is technically deemed to occur at that site or at the location where the material is received. For example, the activity at an online site offering audio or video may be unauthorized public performance of a musical composition, a sound recording, or an audio-visual work, rather than (or in addition to) the creation of an unauthorized copy of any of these works.

Subsection (c)(1)(A)(ii) can best be described as a "red flag" test. As stated in subsection (1), a service provider need not monitor its service or affirmatively seek facts indicating infringing activity (except to the extent consistent with a standard technical measure complying with subsection (h)), in order to claim this limitation on liability (or, indeed any other limitation provided by the legislation). However, if the service provider becomes aware of a "red flag" from which infringing activity is apparent, it will lose the limitation of liability if it takes no action. The "red flag" test has both a subjective and an objective element. In determining whether the service provider was aware of a "red flag," the subjective awareness of the service provider of the facts or circumstances in question must be determined. However, in deciding whether those facts or circumstances constitute a "red flag"—in other words, whether infringing activity would have been apparent to a reasonable person operating under the same or similar circumstances—an objective standard should be used.

Subsection (c)(1)(A)(iii) provides that once a service provider obtains actual knowledge or awareness of facts or circumstances from which infringing material or activity on the service provider's system or network is apparent, the service provider does not lose the limitation of liability set forth in subsection (c) if it acts expeditiously to remove or disable access to the infringing material. Because the factual circumstances and technical parameters may vary from case to case, it is not possible to identify a uniform time limit for expeditious action.

Subsection (c)(1)(B) sets forth the circumstances under which a service provider would lose the protection of subsection (c) by virtue of its benefit from the control over infringing activity. In determining whether the financial benefit criterion is satisfied, courts should take a common-sense, fact-based approach, not a formalistic one. In general, a service provider conducting a legitimate business would not be considered to receive a "financial benefit directly attributable to the infringing activity" where the infringer makes the same kind of payment as non-infringing users of the provider's service. Thus, receiving a one-time set-up fee and flat periodic payments for service from a person engaging in infringing activities would not constitute receiving a "financial benefit directly attributable to the infringing activity." Nor is subparagraph (B) intended to cover fees based on the length of the message (per number of bytes, for example) or by connect time. It would however, include any such fees where the value of the service lies in providing access to infringing material.

and at Senate Report 45, House Report 54:

Section 512 does not require use of the notice and take-down procedure. A service provider wishing to benefit from the limitation on liability under subsection (c) must "take down" or disable access to infringing material residing on its system or network of which it has actual knowledge or that meets the "red flag" test, even if the copyright owner or its agent does not notify it of a claimed infringement. On the other hand, the service provider is free to refuse to "take down" the material or site, even after receiving a notification of claimed infringement from

the copyright owner; in such a situation, the service provider's liability, if any, will be decided without reference to section 512(c). For their part, copyright owners are not obligated to give notification of claimed infringement in order to enforce their rights. However, neither actual knowledge nor awareness of a red flag may be imputed to a service provider based on information from a copyright owner or its agent that does not comply with the notification provisions of subsection (c)(3), and the limitation of liability set forth in subsection (c) may apply.

The reports continue (Senate Report at 46-47, House Report at 55-56):

Subsection (c)(3)(A)(iii) requires that the copyright owner or its authorized agent provide the service provider with information reasonably sufficient to permit the service provider to identify and locate the allegedly infringing material. An example of such sufficient information would be a copy or description of the allegedly infringing material and the URL address of the location (web page) which is alleged to contain the infringing material. The goal of this provision is to provide the service provider with adequate information to find and address the allegedly infringing material expeditiously.

* * *

Subsection (c)(3)(B) addresses the effect of notifications that do not substantially comply with the requirements of subsection (c)(3). Under this subsection, the court shall not consider such notifications as evidence of whether the service provider has actual knowledge, is aware of facts or circumstances, or has received a notification for purposes of subsection (c)(1)(A). However, a defective notice provided to the designated agent may be considered in evaluating the service provider's knowledge or awareness of facts and circumstances, if (i) the complaining party has provided the requisite information concerning the identification of the

copyrighted work, identification of the allegedly infringing material, and information sufficient for the service provider to contact the complaining party, and (ii) the service provider does not promptly attempt to contact the person making the notification or take other reasonable steps to assist in the receipt of notification that substantially complies with paragraph (3)(A). If the service provider subsequently receives a substantially compliant notice, the provisions of paragraph (1)(C) would then apply upon receipt of the notice.

When discussing section 512(d) of the DMCA which deals with information location tools, the Committee Reports contain an instructive explanation of the need for specificity (Senate Report at 48-49, House Report at 57-58):

Like the information storage safe harbor in section 512(c), a service provider would qualify for this safe harbor if, among other requirements, it "does not have actual knowledge that the material or activity is infringing" or, in the absence of such actual knowledge, it is "not aware of facts or circumstances from which infringing activity is apparent." Under this standard, a service provider would have no obligation to seek out copyright infringement, but it would not qualify for the safe harbor if it had turned a blind eye to "red flags" of obvious infringement.

For instance, the copyright owner could show that the provider was aware of facts from which infringing activity was apparent if the copyright owner could prove that the location was clearly, at the time the directory provider viewed it, a "pirate" site of the type described below, where sound recordings, software, movies or books were available for unauthorized downloading, public performance or public display. Absent such "red flags" or actual knowledge, a directory provider would not be similarly aware merely because it saw one or more well known photographs of a celebrity at a site devoted to that person. The provider could not be expected, during the course of its brief cataloguing visit, to determine whether the photograph was still protected by copyright or was in the public domain; if the

photograph was still protected by copyright, whether the use was licensed; and if the use was not licensed, whether it was permitted under the fair use doctrine.

The important intended objective of this standard is to exclude sophisticated "pirate" directories—which refer Internet users to other selected Internet sites where pirate software, books, movies, and music can be downloaded or transmitted—from the safe harbor. Such pirate directories refer Internet users to sites that are obviously infringing because they typically use words such as "pirate," "bootleg," or slang terms in their uniform resource locator (URL) and header information to make their illegal purpose obvious to the pirate directories and other Internet users. Because the infringing nature of such sites would be apparent from even a brief and casual viewing, safe harbor status for a provider that views such a site and then establishes a link to it would not be appropriate. Pirate directories do not follow the routine business practices of legitimate service providers preparing directories, and thus evidence that they have viewed the infringing site may be all that is available for copyright owners to rebut their claim to a safe harbor.

In this way, the "red flag" test in section 512(d) strikes the right balance. The common-sense result of this "red flag" test is that online editors and catalogers would not be required to make discriminating judgments about potential copyright infringement. If, however, an Internet site is obviously pirate, then seeing it may be all that is needed for the service provider to encounter a "red flag." A provider proceeding in the face of such a red flag must do so without the benefit of a safe harbor.

Information location tools are essential to the operation of the Internet; without them, users would not be able to find the information they need. Directories are particularly helpful in conducting effective searches by filtering out irrelevant and offensive material. The Yahoo! Directory, for example, currently categorizes over 800,000 online locations and serves as a "card catalogue" to the World Wide Web, which over 35,000,000 different users visit each month. Directories such as Yahoo!'s usually are created by people visiting sites to categorize them. It is precisely the human judgment

and editorial discretion exercised by these cataloguers which makes directories valuable.

This provision is intended to promote the development of information location tools generally, and Internet directories such as Yahoo!'s in particular, by establishing a safe-harbor from copyright infringement liability for information location tool providers if they comply with the notice and takedown procedures and other requirements of subsection (d). The knowledge or awareness standard should not be applied in a manner which would create a disincentive to the development of directories which involve human intervention. Absent actual knowledge, awareness of infringement as provided in subsection (d) should typically be imputed to a directory provider only with respect to pirate sites or in similarly obvious and conspicuous circumstances, and not simply because the provider viewed an infringing site during the course of assembling the directory.

The tenor of the foregoing provisions is that the phrases "actual knowledge that the material or an activity" is infringing, and "facts or circumstances" indicating infringing activity, describe knowledge of specific and identifiable infringements of particular individual items. Mere knowledge of prevalence of such activity in general is not enough. That is consistent with an area of the law devoted to protection of distinctive individual works, not of libraries. To let knowledge of a generalized practice of infringement in the industry, or of a proclivity of users to post infringing materials, impose responsibility on service providers to discover which of their users' postings infringe a copyright would contravene the structure and operation of the DMCA. As

stated in Perfect 10, Inc. v. CCBill LLC, 488 F.3d 1102, 1113 (9th Cir. 2007):

The DMCA notification procedures place the burden of policing copyright infringement—identifying the potentially infringing material and adequately documenting infringement—squarely on the owners of the copyright. We decline to shift a substantial burden from the copyright owner to the provider

That makes sense, as the infringing works in suit may be a small fraction of millions of works posted by others on the service's platform, whose provider cannot by inspection determine whether the use has been licensed by the owner, or whether its posting is a "fair use" of the material, or even whether its copyright owner or licensee objects to its posting. The DMCA is explicit: it shall not be construed to condition "safe harbor" protection on "a service provider monitoring its service or affirmatively seeking facts indicating infringing activity" Id. § 512(m)(1); see Senate Report at 44, House Report at 53.

Indeed, the present case shows that the DMCA notification regime works efficiently: when Viacom over a period of months accumulated some 100,000 videos and then sent one mass take-down notice on February 2, 2007, by the next business day YouTube had removed virtually all of them.

2.

Case Law

In CCBill LLC, supra, the defendants provided web hosting and other services to various websites. The plaintiff argued that defendants had received notice of apparent infringement from circumstances that raised "red flags": websites were named "illegal.net" and "stolencelebritypics.com," and others involved "password-hacking." 488 F.3d at 1114 (internal quotation marks omitted). As to each ground, the Ninth Circuit disagreed, stating "We do not place the burden of determining whether photographs are actually illegal on a service provider"; and "There is simply no way for a service provider to conclude that the passwords enabled infringement without trying the passwords, and verifying that they enabled illegal access to copyrighted material. We impose no such investigative duties on service providers." Id.

The District Court in UMG Recordings, Inc. v. Veoh Networks, Inc., 665 F. Supp. 2d 1099, 1108 (C.D. Cal. 2009), concluded that "CCBill teaches that if investigation of 'facts and circumstances' is required to identify material as infringing, then those facts and circumstances are not 'red flags.'" That observation captures the reason why awareness of pervasive copyright-infringing, however flagrant and blatant,

does not impose liability on the service provider. It furnishes at most a statistical estimate of the chance any particular posting is infringing – and that is not a “red flag” marking any particular work.

In Corbis Corp. v. Amazon.com, Inc., 351 F. Supp. 2d 1090, 1108 (W.D. Wash. 2004) the court stated that “The issue is not whether Amazon had a general awareness that a particular type of item may be easily infringed. The issue is whether Amazon actually knew that specific zShops vendors were selling items that infringed Corbis copyrights.” It required a “showing that those sites contained the type of blatant infringing activity that would have sent up a red flag for Amazon.” Id. at 1109. Other evidence of “red flags” was unavailing, for it “provides no evidence from which to infer that Amazon was aware of, but chose to ignore, red flags of blatant copyright infringement on specific zShops sites.” Id.

A similar recent decision of the Second Circuit involved analogous claims of trademark infringement (and therefore did not involve the DMCA) by sales of counterfeit Tiffany merchandise on eBay, Inc.’s website. In Tiffany (NJ) Inc. v. eBay Inc., 600 F.3d 93 (2d Cir. April 1, 2010) the Court of Appeals affirmed the dismissal of trademark infringement and dilution claims against eBay’s advertising and listing practices. The sellers on eBay offered Tiffany sterling silver

jewelry of which a significant portion (perhaps up to 75%) were counterfeit, although a substantial number of Tiffany goods sold on eBay were authentic. (Id. at 97-98). The particular issue was "whether eBay is liable for contributory trademark infringement - i.e., for culpably facilitating the infringing conduct of the counterfeiting vendors" (id. at 103) because "eBay continued to supply its services to the sellers of counterfeit Tiffany goods while knowing or having reason to know that such sellers were infringing Tiffany's mark." (Id. at 106). Tiffany alleged that eBay knew, or had reason to know, that counterfeit Tiffany goods were being sold "ubiquitously" on eBay, and the District Court had found that eBay indeed "had *generalized* notice that some portion of the Tiffany goods sold on its website might be counterfeit" (id.; emphasis in original). Nevertheless, the District Court (Sullivan, J.) dismissed, holding that such generalized knowledge was insufficient to impose upon eBay an affirmative duty to remedy the problem. It held that "for Tiffany to establish eBay's contributory liability, Tiffany would have to show that eBay 'knew or had reason to know of specific instances of actual infringement' beyond those that it addressed upon learning of them." (Id. at 107).

The Court of Appeals held (Id.):

We agree with the district court. For contributory trademark infringement liability to lie, a service provider must have more than a general knowledge or reason to know that its service is being used to sell counterfeit goods. Some contemporary knowledge of which particular listings are infringing or will infringe in the future is necessary.

And at p. 110:

eBay appears to concede that it knew as a general matter that counterfeit Tiffany products were listed and sold through its website. Tiffany, 576 F.Supp.2d at 514. Without more, however, this knowledge is insufficient to trigger liability under Inwood.^[1]

Although by a different technique, the DMCA applies the same principle, and its establishment of a safe harbor is clear and practical: if a service provider knows (from notice from the owner, or a "red flag") of specific instances of infringement, the provider must promptly remove the infringing material. If not, the burden is on the owner to identify the infringement. General knowledge that infringement is "ubiquitous" does not impose a duty on the service provider to monitor or search its service for infringements.

¹ See Inwood Labs., Inc. v. Ives Labs., Inc., 456 U.S. 844, 102 S. Ct. 2182 (1982).

3.

The Grokster Case

Metro-Goldwyn-Mayer Studios Inc. v. Grokster, Ltd., 545 U.S. 913 (2005) and its progeny Arista Records LLC v. Usenet.com, Inc., 633 F. Supp. 2d 124 (S.D.N.Y. 2009) (dismissing DMCA defense as sanction for spoliation and evasive discovery tactics), Columbia Pictures Industries, Inc. v. Fung, No. 06 Civ. 5578, 2009 U.S. Dist. LEXIS 122661 (C.D. Cal. Dec. 21, 2009), and Arista Records LLC v. Lime Group LLC, No. 06 Civ. 5936 (KMW), ___ F. Supp. 2d ___, 2010 WL 2291485 (S.D.N.Y. May 25, 2010), which furnish core principles heavily relied on by plaintiffs and their supporting amici, have little application here. Grokster, Fung, and Lime Group involved peer-to-peer file-sharing networks which are not covered by the safe harbor provisions of DMCA § 512(c). The Grokster and Lime Group opinions do not even mention the DMCA. Fung was an admitted copyright thief whose DMCA defense under § 512(d) was denied on undisputed evidence of "'purposeful, culpable expression and conduct' aimed at promoting infringing uses of the websites" (2009 U.S. Dist. LEXIS 122661, at *56).

Grokster addressed the more general law of contributory liability for copyright infringement, and its application to the particular subset of service providers

protected by the DMCA is strained. In a setting of distribution of software products that allowed computer-to-computer exchanges of infringing material, with the expressed intent of succeeding to the business of the notoriously infringing Napster (see 545 U.S. at 923-26) the Grokster Court held (id. at 919, 936-37):

. . . that one who distributes a device with the object of promoting its use to infringe copyright, as shown by clear expression or other affirmative steps taken to foster infringement, is liable for the resulting acts of infringement by third parties.

On these cross-motions for summary judgment I make no findings of fact as between the parties, but I note that plaintiff Viacom's General Counsel said in a 2006 e-mail that ". . . the difference between YouTube's behavior and Grokster's is staggering." Ex. 173 to Schapiro Opp. Affid., Dkt. No. 306, Att. 4. Defendants asserted in their brief supporting their motion (Dkt. No. 188, p.60) and Viacom's response does not controvert (Dkt. No. 296, p.29, ¶ 1.80) that:

It is not remotely the case that YouTube exists "solely to provide the site and facilities for copyright infringement." . . . Even the plaintiffs do not (and could not) suggest as much. Indeed, they have repeatedly acknowledged the contrary.

The Grokster model does not comport with that of a service provider who furnishes a platform on which its users post and access all sorts of materials as they wish, while the provider is unaware of its content, but identifies an agent to receive complaints of infringement, and removes identified

material when he learns it infringes. To such a provider, the DMCA gives a safe harbor, even if otherwise he would be held as a contributory infringer under the general law. In this case, it is uncontroverted that when YouTube was given the notices, it removed the material. It is thus protected "from liability for all monetary relief for direct, vicarious and contributory infringement" subject to the specific provisions of the DMCA. Senate Report at 40, House Report at 50.

4.

Other Points

(a)

Plaintiffs claim that the replication, transmittal and display of videos on YouTube fall outside the protection § 512(c)(1) of the DMCA gives to "infringement of copyright by reason of the storage at the direction of a user of material" on a service provider's system or network. That confines the word "storage" too narrowly to meet the statute's purpose.

In § 512(k)(1)(B) a "service provider" is defined as "a provider of online services or network access, or the operator of facilities therefor," and includes "an entity offering the transmission, routing, or providing of connections

for digital online communications." Surely the provision of such services, access, and operation of facilities are within the safe harbor when they flow from the material's placement on the provider's system or network: it is inconceivable that they are left exposed to be claimed as unprotected infringements. As the Senate Report states (p. 8):

In the ordinary course of their operations service providers must engage in all kinds of acts that expose them to potential copyright infringement liability. . . . In short, by limiting the liability of service providers, the DMCA ensures that the efficiency of the Internet will continue to improve and that the variety and quality of services on the Internet will continue to expand.

As stated in Io Group, Inc. v. Veoh Networks, Inc., 586 F. Supp. 2d 1132, 1148 (N.D. Cal. 2008), such "means of facilitating user access to material on its website" do not cost the service provider its safe harbor. See also UMG Recordings, Inc. v. Veoh Networks, Inc., 620 F. Supp. 2d 1081, 1089 (C.D. Cal. 2008):

Although Veoh correctly observes that the language of § 512(c) is "broad," it does not venture to define its outermost limits. It is unnecessary for this Court to do so either, because the critical statutory language really is pretty clear. Common sense and widespread usage establish that "by reason of" means "as a result of" or "something that can be attributed to" So understood, when copyrighted content is displayed or distributed on Veoh it is "as a result of" or "attributable to" the fact that users uploaded the content to Veoh's servers to be accessed by other means. If providing access could trigger liability without the possibility of DMCA immunity, service providers would be greatly

deterred from performing their basic, vital and salutary function—namely, providing access to information and material for the public.

To the extent defendants' activities go beyond what can fairly be characterized as meeting the above-described collateral scope of "storage" and allied functions, and present the elements of infringements under existing principles of copyright law, they are not facially protected by § 512(c). Such activities simply fall beyond the bounds of the safe harbor and liability for conducting them must be judged according to the general law of copyright infringement. That follows from the language of § 512(c)(1) that "A service provider shall not be liable . . . for infringement of copyright by reason of the storage" However, such instances have no bearing on the coverage of the safe harbor in all other respects.

(b)

The safe harbor requires that the service provider "not receive a financial benefit directly attributable to the infringing activity, in a case in which the service provider has the right and ability to control such activity" § 512(c)(1)(B). The "right and ability to control" the activity requires knowledge of it, which must be item-specific. (See Parts 1 and 2 above.) There may be arguments whether revenues

from advertising, applied equally to space regardless of whether its contents are or are not infringing, are "directly attributable to" infringements, but in any event the provider must know of the particular case before he can control it. As shown by the discussion in Parts 1 and 2 above, the provider need not monitor or seek out facts indicating such activity. If "red flags" identify infringing material with sufficient particularity, it must be taken down.

(c)

Three minor arguments do not singly or cumulatively affect YouTube's safe harbor coverage.

(1) YouTube has implemented a policy of terminating a user after warnings from YouTube (stimulated by its receipt of DMCA notices) that the user has uploaded infringing matter (a "three strikes" repeat-infringer policy). That YouTube counts as only one strike against a user both (1) a single DMCA take-down notice identifying multiple videos uploaded by the user, and (2) multiple take-down notices identifying videos uploaded by the user received by YouTube within a two-hour period, does not mean that the policy was not "reasonably implemented" as required by § 512(i)(1)(A). In Corbis Corp. v. Amazon.com, Inc., 351 F. Supp. 2d 1090, 1105 (W.D. Wash. 2004), in

evaluating whether Amazon complied with § 512(i), the Court stated that even DMCA-compliant notices "did not, in themselves, provide evidence of blatant copyright infringement." In UMG Recordings, Inc. v. Veoh Networks, Inc., 665 F. Supp. 2d 1099, 1116, 1118 (C.D. Cal. 2009), the Court upheld Veoh's policy of terminating users after a second warning, even if the first warning resulted from a take-down notice listing multiple infringements. It stated:

As the Corbis court noted, "[t]he key term, 'repeat infringer,' is not defined. . . . The fact that Congress chose not to adopt such specific provisions when defining a user policy indicates its intent to leave the policy requirements, and the subsequent obligations of the service providers, loosely defined." Corbis, 351 F.Supp.2d at 1100-01. This Court finds that Veoh's policy satisfies Congress's intent that "those who repeatedly or flagrantly abuse their access to the Internet through disrespect for the intellectual property rights of others should know that there is a realistic threat of losing that access." H.R. Rep. 105-551(II), at 61.

Id. at 1118. (alteration and omission in original).

(2) In its "Claim Your Content" system, YouTube used Audible Magic, a fingerprinting tool which removed an offending video automatically if it matched some portion of a reference video submitted by a copyright owner who had designated this service. It also removed a video if the rights-holder operated a manual function after viewing the infringing video. YouTube assigned strikes only when the rights-holder manually requested the video to be removed. Requiring the rights-holder to take

that position does not violate § 512(i)(1)(A). See UMG Recordings, 665 F. Supp. 2d at 1116-18 (automated Audible Magic filter “does not meet the standard of reliability and verifiability required by the Ninth Circuit in order to justify terminating a user’s account”); see also Perfect 10, Inc. v. CCBill LLC, 488 F.3d 1102, 1112 (9th Cir. 2007) (“We therefore do not require a service provider to start potentially invasive proceedings if the complainant is unwilling to state under penalty of perjury that he is an authorized representative of the copyright owner, and that he has a good-faith belief that the material is unlicensed.”).

YouTube’s initial hesitation in counting such rights-holder requests as strikes was reasonable: the six month delay was needed to monitor the system’s use by rights-holders, and for engineering work to assure that strikes would be assigned accurately.

(3) Plaintiffs complain that YouTube removes only the specific clips identified in DMCA notices, and not other clips which infringe the same works. They point to the provision in § 512(c)(3)(A)(ii) that a notification must include “Identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works at a single online site are covered by a single notification, a representative list of such works at that site.” This “representative list”

reference would eviscerate the required specificity of notice (see discussion in Parts 1 and 2 above) if it were construed to mean a merely generic description ("all works by Gershwin") without also giving the works' locations at the site, and would put the provider to the factual search forbidden by § 512(m). Although the statute states that the "works" may be described representatively, 512(c)(3)(A)(ii), the subsection which immediately follows requires that the identification of the infringing material that is to be removed must be accompanied by "information reasonably sufficient to permit the service provider to locate the material." 512(c)(3)(A)(iii). See House Report at 55; Senate Report at 46: "An example of such sufficient information would be a copy or description of the allegedly infringing material and the so-called "uniform resource locator" (URL) (i.e., web site address) which allegedly contains the infringing material." See also UMG Recordings, 665 F. Supp. 2d at 1109-10 (DMCA notices which demanded removal of unspecified clips of video recordings by certain artists did not provide "'information reasonably sufficient to permit the service provider to locate [such] material.'" (alteration in original)).

4.

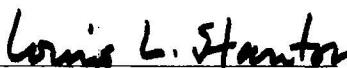
Conclusion

Defendants are granted summary judgment that they qualify for the protection of 17 U.S.C. § 512(c), as expounded above, against all of plaintiffs' claims for direct and secondary copyright infringement. Plaintiffs' motions for judgment are denied.

The parties shall meet and confer about any issues requiring judicial attention remaining in these cases, and submit a report (jointly, if possible) by July 14, 2010.

So ordered.

Dated: June 23, 2010
New York, New York



Louis L. Stanton
U.S.D.J.

Exhibit 4

ORIGINAL

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

----- x
THE FOOTBALL ASSOCIATION PREMIER LEAGUE LIMITED, BOURNE CO. (together with its affiliate MURBO MUSIC PUBLISHING COMPANY, INC.), CHERRY LANE MUSIC PUBLISHING COMPANY, INC., CAL IV ENTERTAINMENT LLC, NATIONAL MUSIC PUBLISHERS' ASSOCIATION, THE RODGERS & HAMMERSTEIN ORGANIZATION, STAGE THREE MUSIC (US), INC., EDWARD B. MARKS MUSIC COMPANY, FREDDY BEINSTOCK MUSIC COMPANY d/b/a BIENSTOCK PUBLISHING COMPANY, ALLEY MUSIC CORPORATION, X-RAY DOG MUSIC, INC., FEDERATION FRANÇAISE DE TENNIS, THE MUSIC FORCE MEDIA GROUP LLC, THE MUSIC FORCE LLC and SIN-DROME RECORDS, LTD on behalf of themselves and all others similarly situated,

Plaintiffs,

-against-

YOUTUBE, INC., YOUTUBE, LLC and GOOGLE INC.,

Defendants.
----- x

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 8/10/10

07 Civ. 3582 (LLS)
(related case 07 Civ. 2103 (LLS))

ECF Case

FINAL JUDGMENT

YouTube Inc., YouTube, LLC, and Google Inc. ("Defendants"), having moved for summary judgment that they are protected by the safe-harbor provisions of the Digital Millennium Copyright Act, 17 U.S.C. § 512 et seq., for all of Plaintiffs' direct and secondary copyright infringement claims, and such motion having come before the Honorable Louis L. Stanton, United States District Judge, and the Court thereafter, on June 23, 2010 having rendered its ~~Memorandum Decision~~ ^{Opinion} and Order granting the Defendants' motion for summary judgment; and

LLS

Plaintiffs having moved for partial summary judgment against the Defendants' DMCA defense, and said motion having come before the Honorable Louis L. Stanton, United States District Judge, and

Opinion

LLS

the Court thereafter, on June 23, 2010 having rendered its ~~Memorandum Decision~~ and Order denying Plaintiffs' motion; and

Plaintiffs having affirmed: (i) that all of their remaining claims for relief in this case are disposed of by the June 23, 2010 Order; (ii) that they do not seek injunctive relief in this action pursuant to 17 U.S.C. § 512(j); and (iii) that there are no claims for relief that still remain to be adjudicated, it is

ORDERED, ADJUDGED AND DECREED that for reasons set forth in the Court's

Opinion

LLS

~~Memorandum Decision~~ and Order dated June 23, 2010, judgment is entered for Defendants and against Plaintiffs on all of Plaintiffs' claims.

New York, New York
August 9, 2010

SO ORDERED:

Louis L. Stanton

Hon. Louis L. Stanton
United States District Judge

Entered:

Ruby S. Kravich

Clerk of Court

By:

[Signature]

Deputy Clerk of Court

ADDENDUM “B”

TO CIVIL APPEAL PRE-ARGUMENT STATEMENT

Standard of Review

A district court’s decision to grant or deny summary judgment is reviewed de novo, thus applying the same standard as the district court. *Zurich Am. Ins. Co. v. ABM Indus.*, 397 F.3d 158, 164 (2d Cir. 2005). “Summary judgment is appropriate ‘if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to a judgment as a matter of law.’” *Beyer v. County of Nassau*, 524 F.3d 160, 163 (2d Cir. 2008) (citations omitted). “A court reviewing a motion for summary judgment must ‘construe the facts in the light most favorable to the non-moving party and must resolve all ambiguities and draw all reasonable inferences against the movant.’” *Id.* (citations omitted). This standard of review applies to all of the issues on appeal listed below.

Issues Proposed to be Raised on Appeal

1. Whether the district court erred in granting defendants’ motion for summary judgment on the basis that they are entitled to the protection of 17 U.S.C. § 512(c) against all of plaintiffs’ direct and secondary copyright infringement claims, including by, among other things:
 - a. erroneously holding that evidence of inducement of infringement has no bearing on a defendants’ entitlement to the DMCA safe harbor defense;
 - b. erroneously holding that “knowledge of specific and identifiable infringements of particular individual items” is the only type of actual or constructive knowledge that disqualifies a party from safe harbor treatment under section 512(c)(1)(A);

- c. erroneously holding that the disqualifying “right and ability to control” infringing activity under section 512(c)(1)(B) requires proof of “item-specific” knowledge of infringements;
- d. erroneously holding that defendants had at all times reasonably implemented a repeat infringer policy under 512(i)(1)(A);
- e. erroneously holding that defendants were entitled to the protections of the DMCA safe harbor by virtue of having responded to formal notices pursuant to 17 U.S.C. 512(c)(1)(C), regardless of defendants’ knowledge of infringement of specific works and ability to control such content;
- f. erroneously holding that defendants appropriately responded to takedown notices by removing only the specific clips identified therein, and not other clips which infringe the same works;
- g. failing to consider plaintiffs’ evidence that defendants possessed “item-specific” knowledge of the infringements of plaintiffs’ works;
- h. failing to consider plaintiffs’ evidence that defendants were aware of facts or circumstances from which infringing activity on their website was apparent;
- i. failing to consider “willful blindness” as a form of disqualifying knowledge under the DMCA safe harbor;
- j. failing to consider plaintiffs’ evidence that defendants had willfully blinded themselves to infringements of plaintiffs’ works; and
- k. failing to consider plaintiffs’ evidence showing that defendants’ did far more than merely store or provide access to content at the direction of users, and were thereby disqualified from any DMCA safe harbor protection.

2. Whether the district court erred in denying plaintiffs' motion for partial summary judgment that defendants do not qualify for the protection of 17 U.S.C. § 512(c) including, among other things, on the basis of the same holdings identified in Issue 1 above.