

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

PERFECT 10, INC., a California corporation,

Plaintiff,

vs.

GOOGLE INC., a corporation; and DOES 1 through 100, inclusive,

Defendants.

CASE NO. CV 04-9484 AHM (SHx)

**[PROPOSED] ORDER STAYING
DISCOVERY AND ALL OTHER
PROCEEDINGS PENDING
RULING BY COURT OF APPEALS**

AND COUNTERCLAIM

1 **Order**

2 WHEREAS, this Court, by its July 30, 2010 Order denied plaintiff Perfect 10,
3 Inc.'s second motion for preliminary injunction against defendant Google Inc.,
4 which incorporates by reference the Court's July 26, 2010 Order on Google's
5 DMCA Motions;

6 WHEREAS, on August 20, 2010 Perfect 10 confirmed to Google that it
7 would file an appeal of the Court's orders;

8 WHEREAS, Perfect 10's planned appeal of the Court's rulings on Perfect
9 10's preliminary injunction motion and Google's DMCA motions will address
10 important, foundational legal issues in the case;

11 WHEREAS, it is in the best interests of judicial economy to stay discovery,
12 motion practice, and all other proceedings in the District Court in the above-
13 captioned action, except for those matters directly related to the appeal, until the
14 Ninth Circuit rules on Perfect 10's appeal to determine the governing legal standards
15 and what further discovery and motion practice, if any, will be necessary to resolve
16 Perfect 10's claims;

17 WHEREAS, Magistrate Judge Hillman issued his Order re Google's Motion
18 to Quash the Subpoenas Directed to Shantal Rands Poovala and for a Protective
19 Order, which Order was electronically served upon the parties on August 10, 2010
20 (Docket No. 964);

21 WHEREAS, under L.R. 72-2.1, the time for Google to file a motion for
22 review of Magistrate Judge Hillman's Order is no later than August 24, 2010;

23 WHEREAS, on August 18, 2010, Google informed Perfect 10 that it intends
24 to file objections to and a motion for review of Magistrate Judge Hillman's Order,
25 based in part on this Court's rulings on Perfect 10's preliminary injunction motion
26 and Google's DMCA motions;

27 WHEREAS, the parties have mutually agreed to extend the deadline
28 pertaining to Google's objections and motion for review of Magistrate Judge

1 Hillman's Order pursuant to a stay of discovery and all other proceedings in this
2 action during appellate proceedings;

3 ACCORDINGLY, PURSUANT TO THE PARTIES' STIPULATION, IT IS
4 HEREBY ORDERED AS FOLLOWS:

5 1. Discovery and all other proceedings in the District Court in the above-
6 captioned action between Perfect 10 and Google, except for those matters directly
7 related to the appeal, are stayed until the Ninth Circuit Court of Appeals issues a
8 decision on Perfect 10's appeal of the Court's July 30, 2010 Order, which
9 incorporates by reference the Court's July 26, 2010 Order, and

10 2. The deadline for Google to file objections to and a motion for review of
11 Magistrate Judge Hillman's August 10, 2010 Order is extended until fourteen (14)
12 days after the lifting of that stay following the conclusion of Perfect 10's appeal.

13
14 **IT IS SO ORDERED.**

15 DATED: August __, 2010

16 _____
17 A. Howard Matz
18 United States District Judge
19
20
21
22
23
24
25
26
27
28