

Priority
Send Page 1 of 3
Closed
JS-5/JS-6
JS-2/JS-3
Scan Only

Columbia Pictures Industries Inc v. Bunnell

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Doc. 12

CIVIL MINUTES - GENERAL

RECORDED

Case No. CV 06-1093 FMC(JCx) Date April 20, 2007

Title Columbia Pictures Industries, Inc., et al. v. Justin Bunnell, et al.

Present: The Honorable Jacqueline Chooljian, United States Magistrate Judge

Nancy Hackney	none	none
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
none	none

Proceedings: (In Chambers)

ORDER (1) STRIKING LATE PLEADINGS; AND (2) DIRECTING PARTIES NOT TO SUBMIT COURTESY COPIES TO CHAMBERS E-MAIL ADDRESS PRIOR TO FILING

On April 10, 2007, defendants filed a Joint Stipulation in support of a Motion to Compel Production of Documents Pursuant to Subpoena to MPAA ("Defendants' Motion") which is noticed for hearing on May 1, 2007. Pursuant to Local Rule 37-2.3, any supplemental memoranda in support of Defendants' Motion was due not later than fourteen (14) days prior to the hearing date, i.e., April 17, 2007.

On April 17, 2007, defendants' counsel sent to the court's chamber's e-mail box courtesy copies of three documents filed in support of Defendants' Motion, namely, defendants' supplemental memorandum, a supplemental declaration of Robert L. Kovsky, and a supplemental declaration of Jared R. Smith (collectively "Supplemental Documents"). Accompanying said documents was an e-mail in which defendants' counsel affirmatively represented to the clerk that hard copies were "being filed today." (A copy of this e-mail is attached to this minute order). However, the Supplemental Documents were not filed until the afternoon of the next day, April 18, 2007. Defendants did not seek leave to file the Supplemental Documents late.

As this court advised defendants' counsel in a related matter, it is improper to submit a "courtesy copy" of a document to the court before a document has actually been filed.¹ The impropriety is compounded here by an inaccurate representation that the documents provided are being filed on the same day.

DOCKETED ON CM
APR 24 2007
BY [Signature] 110

127

¹See April 10, 2007 Order, note 1 (Docket No. 58) in Bunnell, et al. v. Motion Picture Association of America, No. CV 06-3206 FMC(JCx).

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

CLERK
COURT
CLERK

Case No. CV 06-1093 FMC(JCx) Date April 20, 2007
Title Columbia Pictures Industries, Inc., et al. v. Justin Bunnell, et al.

Based on the foregoing, IT IS HEREBY ORDERED:

1. The Supplemental Documents are stricken and will not be considered by the court as they are untimely and were filed late without leave of court. This order is without prejudice to any future application for leave to file said document lates which is supported by a showing of good cause.
2. The parties shall not e-mail courtesy copies to the chambers e-mail address or deliver courtesy copies to chambers **unless and until such documents have been filed**, absent a specific court order directing otherwise.

IT IS SO ORDERED.

Initials of
Deputy Clerk

kc 

0000000000



"Jared R Smith"
<jared@techfirm.com>
04/17/2007 03:00 PM

To <Kimberly_Carter@cacd.uscourts.gov>
cc "Jared R Smith" <jared@techfirm.com>
Subject Columbia/Bunnell - Courtesy Copies - Defendants' Motion to
Compel MPAA Subpoena - Case No. 2:06-cv-01093 FMC-JC

Kimberly,

Attached are courtesy copies of defendants' supplementary memorandum and declarations regarding defendants' motion to compel MPAA subpoena set for May 1, 2007. Hard copies are being filed and delivered today as well by our filing service and emailed to all counsel.

Regards,

Jared Smith



Mo2CompelMPAA JRSSUPPDE-FINAL.pdf Mo2CompelMPAA RLKSUPPDEC-FINAL1.pdf



FINAL Supplemental MPAA re motion to compel MPAA.pdf