

Ticketmaster LLC v. RMG Technologies Inc et al.

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UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

TICKETMASTER L.L.C., a Virginia  
limited liability company,

Plaintiff,

vs.

RMG TECHNOLOGIES, INC., a  
Delaware corporation, and DOES 1  
through 10, inclusive,

Defendants.

Case No. CV07-2534 <sup>ABC</sup>GHK (JWJx)

Hon. ~~George H. King~~

Courtroom: 650

~~PROPOSED~~ ORDER REGARDING  
TICKETMASTER L.L.C.'S *EX PARTE*  
APPLICATION FOR (1)  
TEMPORARY RESTRAINING  
ORDER TO PRESERVE EVIDENCE,  
AND (2) ORDER TO SHOW CAUSE  
WHY PRELIMINARY INJUNCTION  
REQUIRING PRESERVATION OF  
EVIDENCE SHOULD NOT BE  
ISSUED

[Fed. R. Civ. Proc. 65(b)]

Complaint Filed: April 17, 2007

Having considered and reviewed the *Ex Parte* Application by plaintiff  
Ticketmaster L.L.C. ("Ticketmaster") for Temporary Restraining Order to Preserve  
Evidence (the "Application"), including all papers and evidence in support of the  
Application, the Court makes the following findings:

41107771.2

DOCKETED ON CM  
MAY 3 - 2007  
BY                      010

[PROPOSED] ORDER RE *EX PARTE* APPLICATION

MANATT, PHELPS &  
PHILLIPS, LLP  
ATTORNEYS AT LAW  
LOS ANGELES

1           1. On April 17, 2007, the same day Ticketmaster filed its  
2 Complaint in this action, Ticketmaster filed the Application against defendant  
3 RMG Technologies, Inc. ("RMG") for an order "requiring RMG and its agents,  
4 servants, employees, representatives and attorneys, and all persons acting in concert  
5 or participating with RMG, to desist and refrain from tampering with, destroying,  
6 or permitting the loss or destruction of documents and other information, including  
7 without limitation computer equipment, computer files, and printed documents, that  
8 is relevant or that might lead to the discovery of admissible evidence based on the  
9 allegations of the Complaint."

10           2. Ticketmaster has established, through the certification of its  
11 counsel, that it was proper not to have given notice to RMG of the Application,  
12 because notice would likely have jeopardized the value of the preservation order.

13           3. Ticketmaster has established that Ticketmaster will suffer  
14 irreparable harm if documents and other information in RMG's possession which is  
15 relevant to this litigation are tampered with, destroyed or lost pending a hearing on  
16 a preliminary injunction, because RMG may be the only source for obtaining such  
17 documents and information.

18           4. Ticketmaster has established that the balance of hardships tips  
19 sharply in Ticketmaster's favor, because the relief requested by Ticketmaster in its  
20 Application will merely preserve the status quo and will not impose any hardship  
21 on RMG.

22           5. Ticketmaster has established that unless RMG is immediately  
23 restrained in the manner requested, Ticketmaster will have no adequate remedy at  
24 law.

25           Therefore, the Court **HEREBY ORDERS THAT, FOR A PERIOD**  
26 **OF TEN DAYS FOLLOWING ISSUANCE OF THIS RULING,** RMG and its  
27 agents, servants, employees, representatives and attorneys, and all persons acting in  
28 concert or participating with RMG, desist and refrain from tampering with,

1 destroying, or permitting the loss or destruction of documents and other  
2 information, including without limitation computer equipment, computer files, and  
3 printed documents, that is relevant or that might lead to the discovery of admissible  
4 evidence based on the allegations of the Complaint filed in this action.

5 **IT IS FURTHER ORDERED** that:

6 [Alternative No. 1] Ticketmaster need not post security for this  
7 Temporary Restraining Order, because the requested relief is consistent with the  
8 discovery obligations specified by the Federal Rules of Civil Procedure following  
9 the commencement of an action. Thus, there is no risk that RMG will incur or  
10 suffer costs or damages by reason of this Temporary Restraining Order.

11 ~~[Alternative No. 2] Ticketmaster shall post a bond in the nominal  
12 amount of \$ \_\_\_\_\_ as security for this Temporary Restraining Order within \_\_\_\_  
13 business days after issuance of this Temporary Restraining Order, or the Temporary  
14 Restraining Order shall be dissolved. This nominal amount is appropriate because  
15 the requested relief is consistent with the discovery obligations specified by the  
16 Federal Rules of Civil Procedure following the commencement of an action.~~

17 **IT IS FURTHER ORDERED** that RMG is to appear on  
18 Thurs May 3, 2007 at 10:00 am in Courtroom 650 of this Court, located at 255 East  
19 Temple Street, Los Angeles, California 90012, to show cause why a preliminary  
20 injunction should not issue, restraining and enjoining RMG and its agents, servants,  
21 employees, representatives and attorneys, and all persons acting in concert or  
22 participating with RMG, to desist and refrain from tampering with, destroying, or  
23 permitting the loss or destruction of documents and other information, including  
24 without limitation computer equipment, computer files, and printed documents, that  
25 is relevant or that might lead to the discovery of admissible evidence based on the  
26 allegations of the Complaint filed in this action, pending trial in this action.

27 **IT IS FURTHER ORDERED** that any answering papers by RMG to  
28 the Order to Show Cause contained in this Order must be filed and served upon

1 counsel for Ticketmaster by personally delivering copies to counsel's office on or  
2 before the close of business on <sup>Thursday</sup> April 26, 2007. Reply, if any, must be filed and  
3 served upon counsel for RMG by personally delivering copies to counsel's office  
4 by the close of business Mon April 30, 2007.

5

6 **IT IS SO ORDERED.**

7 Dated: April 19, 2007

8

9 Hour of Issuance \_\_\_\_\_ Quincy S. Collins

10

United States District Court Judge

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12 SUBMITTED BY:  
13 MANATT, PHELPS & PHILLIPS, LLP  
14 ROBERT H. PLATT (Bar No. CA 108533)  
DONALD R. BROWN (Bar No. CA 156548)

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16 By: Robert H. Platt  
17 Robert H. Platt  
Attorneys for *Plaintiff*  
TICKETMASTER L.L.C.

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