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8 UNITED STATES DISTRICT COURT
 9 CENTRAL DISTRICT OF CALIFORNIA
 10 WESTERN DIVISION

11 UMG RECORDINGS, INC., *et al.*,
 12 Plaintiffs,
 13 vs.
 14 VEOH NETWORKS, INC., *et al.*,
 15 Defendants.

Case No. CV-07-05744 AHM (AJWx)

**UMG'S EX PARTE APPLICATION
 FOR ORDER SHORTENING TIME
 ON MOTION TO COMPEL VEOH
 TO APPEAR FOR DEPOSITIONS**

Concurrently filed herewith:

- (1) **Notice of Motion and Motion for Order Requiring Veoh to Appear for Rule 30(b)(6) Deposition; and**
- (2) **Declaration of Brian Ledahl**

Magistrate: Hon. Andrew J. Wistrich

Date: TBD
 Time: TBD
 Ctrm: 690

Discovery Cutoff: January 12, 2009
 Pretrial Conference: April 6, 2009
 Trial Date: April 21, 2009

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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 PLEASE TAKE NOTICE that pursuant to Local Rule 7-19, Plaintiffs UMG
3 Recordings, Inc., Universal Music Corp., Songs of Universal, Inc., Universal-
4 Polygram International Publishing, Inc., Rondor Music International, Inc., Universal
5 Music – MGB NA LLC, Universal Music – Z Tunes LLC, and Universal Music –
6 MBG Music Publishing Ltd., (collectively “UMG”) hereby apply to the Court *ex*
7 *parte*, for expedited consideration of UMG’s accompanying motion to compel Veoh
8 to appear for its deposition.

9 UMG noticed Veoh’s deposition, pursuant to Federal Rule 30(b)(6), for
10 October 14, 2008. Veoh propounded written objections in which it refused to
11 appear, incorrectly contending that the deposition notice was improper (as discussed
12 in greater detail in UMG’s accompanying Motion to Require Veoh to Appear for
13 Rule 30(b)(6) Deposition). UMG diligently attempted to meet and confer with
14 Veoh and work toward cooperatively scheduling depositions of both parties. During
15 a conference of counsel on October 24, 2008, counsel for Veoh suggested that they
16 might be willing to appear in response to UMG’s notice without court intervention,
17 but requested further time to confirm this position. In reliance on Veoh’s bona
18 fides, UMG agreed to wait for an answer. On October 30 and November 3, 2008,
19 UMG conducted further discussions with counsel for Veoh in which they continued
20 to suggest that Veoh might be willing to appear and indicated that Veoh would make
21 a written proposal regarding the issue. On November 7, still having not received
22 that proposal, UMG reminded Veoh that it had not definitively stated whether it
23 would appear for its deposition without a Court Order. Veoh still did not respond.
24 On November 12, during a telephone conference, Veoh reversed course and
25 indicated that it would refuse to appear for its deposition without a Court Order.

26 Expedited consideration of UMG’s motion to compel is needed given the
27 delay caused by Veoh in addressing this issue and the short time remaining for
28 discovery. UMG initially deferred noticing Veoh’s deposition in light of significant

1 gaps which remain in Veoh's production of documents – such as a meaningful
2 production of internal correspondence and email communications. Ultimately,
3 UMG issued a notice for a date after the deadline for completing core production set
4 by the Court on August 25, 2008 (i.e., a deadline of September 30, 2008). UMG
5 had hoped that Veoh's production by that time would represent a comprehensive
6 and good faith production. UMG issued its notice with a cover letter indicating its
7 willingness to work with Veoh cooperatively on scheduling both parties'
8 depositions. *See* Ledahl Decl., Ex. B (September 26 Notice of Deposition). UMG
9 expended significant time trying to reach a cooperative solution in reliance on
10 Veoh's suggestion that such a solution might be reached and in an effort to avoid
11 unnecessarily burdening the Court. Unfortunately, Veoh apparently had no
12 intention of reaching a cooperative solution regarding UMG's deposition notice,
13 resulting in delay of UMG's ability to raise this issue with the Court. Further, as
14 Veoh itself has argued in seeking expedited hearing of issues recently, the discovery
15 cut-off in this case is approaching and a resolution of this issue is needed to allow
16 for the prompt and efficient scheduling of Veoh's Rule 30(b)(6) deposition.

17 In light of these facts, expedited consideration of UMG's motion to compel is
18 needed. UMG respectfully requests that the Court consider UMG's motion
19 immediately to avoid further delay by Veoh in appearing for deposition.

20 UMG gave notice of this application to Rebecca Calkins, counsel for Veoh,
21 during a telephone conference on November 12, 2008. On November 12, 2008,
22 UMG also separately provided notice to all other defendants by email.

23 The name, address, and telephone number of counsel for defendants are as
24 follows:

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25 Dated: November 12, 2008

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26 By: _____ /s
27 Brian Ledahl

28 Attorneys for Plaintiffs