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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 07-5744 AHM (AJWx)	Date	April 29, 2009
Title	UMG RECORDINGS, INC., et al. v. VEOH NETWORKS INC., et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE		
Stephen Montes	Not Reported		
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys <b>NOT</b> Present for Plaintiffs:		Attorneys <b>NOT</b> Present for Defendants:	

**Proceedings:** IN CHAMBERS (No Proceedings Held)

When Veoh filed its motion for summary judgment on March 12, 2009, the then-existing pre-trial deadlines required parties to file dispositive motions by April 27, 2009. The non-expert discovery cut-off was April 13, 2009. (*See* Dec. 23, 2008 Order.) On March 30, 2009, UMG filed its opposition to the motion. Two days later Veoh produced additional documents that UMG believes are relevant to the motion for summary judgment, and on April 6, 2009 (the same day that Veoh filed its Reply brief), UMG filed an *ex parte* application to supplement the record in support of its opposition. Veoh opposes the application. On April 9, 2009, the Court took Veoh's summary judgment motion under submission. On April 21, 2009, the Court extended the pre-trial deadlines, making the non-expert discovery cut-off May 11, 2009, and the last day to file dispositive motions May 26, 2009. (*See* April 21, 2009 Order.) On April 22, 2009, UMG informed Veoh that it was amending its response to one of Veoh's interrogatories and removing a number of music videos from its list of allegedly infringing files on Veoh's system. On April 24, 2009, Veoh thereupon filed an *ex parte* application for leave to supplement its March 30, 2009 motion for summary judgment. UMG opposes the application.

Given that discovery is still ongoing,<sup>1</sup> and that it makes no sense for the parties to

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<sup>1</sup> On April 28, 2009, Veoh filed a "Certification re Complete Production" per the April 6, 2009 order of Magistrate Judge Wistrich, stating that "Veoh hereby certifies that its production is complete." However, it goes on, "Veoh is aware of its continuing discovery obligations, and to the extent Veoh discovers additional responsive documents, it will promptly produce any such documents."

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repeatedly bombard the Court with *ex parte* applications based upon newly discovered evidence, the Court hereby VACATES Veoh's motion for summary judgment,<sup>2</sup> and DENIES the pending *ex parte* applications.<sup>3</sup> The parties are not to file any further summary judgment motions until the close of non-expert discovery. Once non-expert discovery has ended, any party may file a motion or a renewed motion for summary judgment. If a motion refers to exhibits that were previously filed, the exhibits need not be filed anew.

Initials of Preparer

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<sup>2</sup> Docket No. 336.

<sup>3</sup> Docket Nos. 412, 425.