

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION
CIVIL MINUTES--GENERAL

Case No. CV 07-5744 AHM (AJWx)

Date: June 11, 2009

Title: UMG RECORDINGS, INC., et al. v. VEOH NETWORKS, INC., et al.

PRESENT: HON. ANDREW J. WISTRICH, MAGISTRATE JUDGE

Ysela Benavides
Deputy Clerk

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFFS:
None Present

ATTORNEYS PRESENT FOR DEFENDANTS:
None Present

ORDER REGARDING VEOH'S MOTION FOR PROTECTIVE ORDER ALLOWING IT TO CEASE STORING VIDEO FILES

The motion is denied without prejudice to Veoh's ability to file a new motion raising this issue at a later stage of this case, if necessary.

Although the court is mindful of the burden that retaining the material at issue imposes on Veoh, when that burden is weighed against the highly relevant nature of the material at issue, the balance tips against granting this motion. The burden on Veoh may not be trivial, but neither is it disproportionate to the amount potentially at issue in this case. Further, trial is scheduled to commence on August 18, 2009, less than 9 weeks from now. That fact suggests that any burden imposed on Veoh will be of relatively brief additional duration. It also counsels against allowing Veoh to destroy something that might be needed at trial. Finally, the burden of which Veoh complains arguably is a consequence of the manner in which Veoh chose to make the material at issue available to UMG.

After judgment has been entered, the arguments for requiring Veoh to retain the material at issue for the purposes of this case obviously become weaker. Veoh may wish to revisit this issue at that time, if it is unable to obtain a stipulation from UMG.

Putting the needs of this case aside, the court expresses no view as to whether Veoh is or is not required to preserve the material at issue on the basis that it is or may in the future be relevant to other claims that have been or may be asserted against Veoh by UMG or others. The present record is insufficient to permit the court to make such a determination, and some of those who may be affected may not be involved in this case and have not been given an opportunity to be heard.

IT IS SO ORDERED.

cc: Parties
MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk