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7 Attorneys for Plaintiff  
 MGA ENTERTAINMENT, INC.

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

12 MGA ENTERTAINMENT, INC.,

13 Plaintiff,

14 vs.

16 MATTEL, INC. and ROBERT A.  
 17 ECKERT,

18 Defendants.

CASE NO. CV 11-1063 DOC (RNBx)

**PLAINTIFF'S EX PARTE  
 APPLICATION TO ACCESS  
 "ATTORNEYS' EYES ONLY"  
 DOCUMENTS**

19  
 20 NOTICE OF AND EX PARTE APPLICATION OF PLAINTIFF TO  
 21 ACCESS "ATTORNEYS' EYES ONLY" DOCUMENTS

22 Plaintiff MGA Entertainment, Inc. ("MGA") files this Ex Parte Application  
 23 to access documents heretofore designated as "Attorneys' Eyes Only" in related  
 24 litigation, Case Nos. 04-090049, 04-09059 and 05-02727.

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Notice of Plaintiff's Ex Parte Application was given to defendants' counsel:

Quinn Emanuel Urquhart & Sullivan, LLP  
John B. Quinn  
Michael T. Zeller  
Dylan Proctor  
865 South Figueroa Street  
10<sup>th</sup> Floor  
Los Angeles, California 900017-2543

This Application/Motion is brought on the grounds that: (1) "Attorneys' Eyes Only" documents in the related litigations are likely to be relevant to the antitrust claims asserted herein; (2) efforts to accomplish access by stipulation produced no response; and (3) it is based on the Declaration of Maxwell M. Blecher filed herewith.

Dated: March 31, 2011

BLECHER & COLLINS, P.C.  
MAXWELL M. BLECHER  
MARYANN R. MARZANO  
COURTNEY A. PALKO

By: \_\_\_\_\_/s/  
Maxwell M. Blecher  
Attorneys for Plaintiff  
MGA ENTERTAINMENT, INC.

# 45973

**PROOF OF SERVICE**

1  
2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES )  
4

5 I am employed in the County of Los Angeles, State of California. I am over the  
6 age of 18 and not a party to the within action; my business address is 515 South Figueroa  
7 Street, Suite 1750, Los Angeles, California 90071-3334. On **March 31, 2011**, I served  
8 the within:

- 9
- 1) **PLAINTIFF'S EX PARTE APPLICATION TO ACCESS**
  - 10 **"ATTORNEYS' EYES ONLY" DOCUMENTS;**
  - 11 **2) DECLARATION OF MAXWELL M. BLECHER; AND**
  - 12 **3) [PROPOSED] ORDER**

13 on all interested parties in this action as follows:

14  
15 Quinn Emanuel Urquhart & Sullivan, LLP  
16 John B. Quinn  
17 Michael T. Zeller  
18 Dylan Proctor  
19 865 South Figueroa Street  
20 10<sup>th</sup> Floor  
21 Los Angeles, California 900017-2543

22 **BY E-MAIL OR ELECTRONIC TRANSMISSION:** Based on a court order or an  
23 agreement of the parties to accept service by e-mail or electronic transmission, I caused a  
24 copy of the document(s) to be sent from e-mail address rarbucci@blechercollins.com to  
25 the persons at the e-mail addresses listed below:

26 [johnquinn@quinnemanuel.com](mailto:johnquinn@quinnemanuel.com)  
27 [michaelzeller@quinnemanuel.com](mailto:michaelzeller@quinnemanuel.com)  
28 [dylanproctor@quinnemanuel.com](mailto:dylanproctor@quinnemanuel.com)

I did not receive, within a reasonable time after the transmission, any electronic message  
or other indication that the transmission was unsuccessful.

**BY PERSONAL DELIVERY:** by placing a true copy thereof in envelopes addressed  
to each of the persons named below at the addresses shown below:

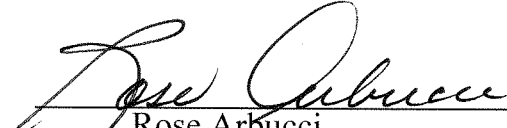
Quinn Emanuel Urquhart & Sullivan, LLP  
John B. Quinn  
Michael T. Zeller  
Dylan Proctor  
865 South Figueroa Street  
10<sup>th</sup> Floor  
Los Angeles, California 900017-2543

and by then sealing said envelopes and providing them to a professional messenger  
service for service on the above date. *(A declaration by the messenger must accompany  
this Proof of Service or be contained in the Declaration of Messenger below.)*

1  (Federal) I declare under penalty of perjury that the foregoing is true and correct, and  
2 that I am employed in the office of a member of the bar of this Court at  
whose direction the service was made.

3  (State) I declare under penalty of perjury under the laws of the State of California  
4 and the United States of America that the foregoing is true and correct.

5 Executed on **March 31, 2011**, at Los Angeles, California.

6   
7 \_\_\_\_\_  
Rose Arbucci

8  
9 **DECLARATION OF MESSENGER**

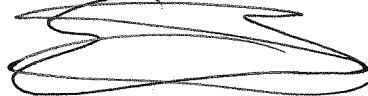
10 I personally delivered the envelope or package received from the declarant above to the  
11 persons at the addresses listed in the service list. (1) For a party represented by an  
12 attorney, delivery was made to the attorney or at the attorney's office by leaving the  
documents in an envelope or package, which was clearly labeled to identify the attorney  
13 being served, with a receptionist or an individual in charge of the office. (2) For a party,  
14 delivery was made to the party or by leaving the documents at the party's residence with  
some person not less than 18 years of age between the hours of eight in the morning and  
15 six in the evening.

16 At the time of service, I was over 18 years of age. I am not a party to the  
17 above-referenced legal proceeding.

18 I served the envelope or package, as stated above, on March 31, 2011.  
19 I declare under penalty of perjury under the laws of the State of California that the  
20 foregoing is true and correct.

21 Date: March 31, 2011

22 EDGAR BRAVO

23 

24 \_\_\_\_\_  
(NAME OF DECLARANT)

25 \_\_\_\_\_  
(SIGNATURE OF DECLARANT)