

1 SCOTT A. EDELMAN, SBN 116927
SEdelman@gibsondunn.com
 2 MICHAEL W. SEITZ, SBN 271136
MSeitz@gibsondunn.com
 3 GIBSON, DUNN & CRUTCHER LLP
 2029 Century Park East
 4 Los Angeles, CA 90067-3026
 Telephone: 310.552.8500
 5 Facsimile: 310.551.8741

6 THEANE EVANGELIS KAPUR, SBN 243570
TKapur@gibsondunn.com
 7 BLAINE H. EVANSON, SBN 254338
BEvanson@gibsondunn.com
 8 GIBSON, DUNN & CRUTCHER LLP
 333 South Grand Avenue
 9 Los Angeles, CA 90071-3197
 Telephone: 213.229.7000
 10 Facsimile: 213.229.7520

11 Attorneys for Plaintiff,
 CBS BROADCASTING INC.

12 UNITED STATES DISTRICT COURT
 13 CENTRAL DISTRICT OF CALIFORNIA
 14 WESTERN DIVISION

15 CBS Broadcasting Inc.,
 16 Plaintiff,
 17 v.
 18 American Broadcasting Companies, et
 19 al.
 20 Defendant.

CASE NO. 2:12-CV-04073 MMM
 (JEMx)

**CBS'S FIRST SET OF REQUESTS
 FOR PRODUCTION OF
 DOCUMENTS**

21 PROPOUNDING PARTY: CBS Broadcasting Inc.
 22 RESPONDING PARY: American Broadcasting Companies, Inc., The Walt
 23 Disney Company, Disney Enterprises, Inc., ABC,
 24 INC., dba Disney/ABC Television Group, Keep Calm
 25 and Carry On Productions, Inc., Corie Henson,
 26 Michael O'Sullivan, Kenny Rosen
 27 SET NUMBER: ONE (1)
 28

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

2 Plaintiff CBS Broadcasting Inc. (“CBS”) hereby requests, pursuant to the
3 expedited discovery order issued by the above-titled court, that Defendants American
4 Broadcasting Companies, Inc., The Walt Disney Company, Disney Enterprises, Inc.,
5 ABC, INC., dba Disney/ABC Television Group, Keep Calm and Carry On
6 Productions, Inc., Corie Henson, Michael O’Sullivan, and Kenny Rosen (together and
7 separately “Defendant(s)”) produce the following documents and tangible things in
8 their possession, custody or control. Defendants must answer, fully, in writing by May
9 18, 2012. The written responses and documents shall be produced for inspection and
10 copying at the offices of Gibson, Dunn & Crutcher LLP, 333 South Grand Avenue,
11 Floor 47, Los Angeles, California 90071, on or before May 18, 2012 at 5:00 p.m.

12 **DEFINITIONS**

13 1. “ANYONE ACTING ON YOUR BEHALF” means and includes YOUR
14 employees, servants, agents, representatives, insurance companies, attorneys,
15 accountants, investigators, assigns, advisors, any predecessors or successors-in-
16 interest, or any other PERSON acting or purporting to act on YOUR behalf, whether
17 directly or indirectly, or on behalf of ANYONE ACTING ON YOUR BEHALF.

18 2. “BIG BROTHER” means the television series entitled *Big Brother*
19 developed by Endemol USA, Inc. and CBS Broadcasting Inc. and airing on the CBS
20 Television Network. “BIG BROTHER” also includes all seasons or cycles of the
21 series and all aspects of production, filming, scripting, writing, planning, promotion,
22 preparations, and hiring for *Big Brother*, including those RELATED TO the internet or
23 other media.

24 3. “COMMUNICATION” means any and all communications, whether oral,
25 written, telephonic, electronic (electronic e-mail, text messages, instant messages, or
26 voicemail), or implied in fact (i.e., nonverbal).

27 4. “DOCUMENT(S)” includes, without limitation, any “documents” as that
28 term is defined in Federal Rule of Civil Procedure 34(a), and any “writing” as that

1 term is defined in Federal Rule of Evidence 1001. “DOCUMENT” also includes all
2 originals (or copies if the originals are not in the possession of Defendants,
3 Defendants’ attorneys, agents or other representatives) and non-identical copies
4 (whether by reasons of alterations or of marginal notes) of correspondence,
5 memoranda, reports, records, notes, written statements, letters, telegrams, studies,
6 messages, analyses, invoices, bills, comparisons, books, magazines, newspapers,
7 booklets, tapes, audio recordings, video recordings, diaries, logs, calendars, circulars,
8 bulletins, notices, instructions, minutes, questionnaires, surveys, charts, graphs and
9 other communications or records and drafts of any of the foregoing. “DOCUMENT”
10 also includes data maintained in computerized form, including electronic mail, text
11 messages, instant messages, or postings on Facebook, Twitter, or other social media
12 sites, including those maintained on backup tapes or other electronic storage media.
13 Any comment or notation appearing on any DOCUMENT, and not a part of the
14 original text, is considered a separate DOCUMENT, and any draft or preliminary form
15 of any DOCUMENT is also considered a separate DOCUMENT.

16 5. “GLASS HOUSE” means the television project currently being developed
17 by Defendants called “Life in a Glass House,” including any iterations of the project if
18 and when it was called something different than “Life in a Glass House,” and all
19 aspects of development, pre-production, production, filming, scripting, writing,
20 planning, promotion, preparations, and hiring for the project, including those
21 RELATED TO the internet or other media.

22 6. “PERSON” means and includes a natural person or persons, a group of
23 persons acting as individuals, a group of natural persons acting in collegial capacity
24 (i.e., as a committee, board of directors, etc.), an association, corporation, partnership,
25 joint venture, and any other incorporated or unincorporated business, enterprise, or
26 entity unless otherwise limited herein.

27 7. “RELATE TO,” “RELATED TO,” “RELATING TO,”
28 “CONCERNING,” and “REFLECTING” mean in relation to, related to, consisting of,

1 referring to, reflecting, concerning, discussing, describing, evidencing, interpreting,
2 constituting, commenting on, supporting, contradicting and/or having any logical or
3 factual connection with the matters identified, in whole or in part.

4 8. "YOU" and "YOUR" refer to Defendants and ANYONE ACTING ON
5 YOUR BEHALF.

6 INSTRUCTIONS

7 1. This demand requires you to produce copies of all DOCUMENTS
8 requested that are in YOUR actual or constructive possession, custody, or control of
9 YOUR attorneys, accountants, representatives, consultants, agents, advisors,
10 employees, or anyone else acting on YOUR behalf.

11 2. YOUR written response to this demand must respond separately to each
12 numbered demand for inspection below with one of the following:

- 13 a) A statement that inspection and related activities will be permitted
14 as requested;
- 15 b) A statement that YOU lack the ability to comply with the particular
16 demand; or
- 17 c) Any objection to a particular demand. Fed. R. Civ. P. 34(b).

18 3. If YOUR response to a particular demand is a statement that YOU will
19 comply with that demand, YOU must state in YOUR response whether the production
20 will be allowed in whole or in part, and YOU must state that all documents or things in
21 the demanded category that are in YOUR possession, custody or control and to which
22 no objection is being made will be included in the production.

23 4. YOU should respond to this demand on the basis of all DOCUMENTS in
24 YOUR possession, custody or control, or in the possession, custody or control of
25 YOUR former or current employees, agents, servants, officers, directors,
26 representatives, attorneys, accountants, bankers, brokers, consultants, investigators,
27 affiliates, and anyone else ACTING ON YOUR BEHALF or under YOUR direction or
28 control.

1 5. If YOUR response to a particular demand is an objection, you must set
2 forth in YOUR response the extent of, and specific grounds for, the objection. If the
3 objection is made to a part of an item or category, the objectionable part shall be
4 specified and inspection permitted of the remaining parts.

5 6. If YOU withhold any DOCUMENT from production on the basis of a
6 claim of attorney-client or any other privilege or on the basis of the attorney work
7 product doctrine, or for any other reason, YOU are required to identify all such
8 DOCUMENTS by listing (i) the date of each DOCUMENT; (ii) its title (if any);
9 (iii) the name and address of its author; (iv) the sender and each recipient; (v) the name
10 and address of each PERSON who has custody of the DOCUMENT (or any copy
11 thereof); and (vi) the basis for YOUR claim of privilege.

12 7. This demand requires the production of DOCUMENTS as they are kept in
13 the usual course of business. The titles, labels or other containers are to be left intact.
14 This demand requires that you identify the source for each DOCUMENT produced.

15 8. The singular of any term includes the plural, and the disjunctive shall
16 include the conjunctive, and vice versa. Construe the terms “and” and “or” as used in
17 this document conjunctively and disjunctively so as to produce the broadest scope of
18 documents pursuant to each demand. Additionally, the use of any tense shall be
19 construed to include all tenses, wherever appropriate, to bring within their scope any
20 documents or information which might otherwise be construed to be outside their
21 scope.

22 9. YOU have a continuing obligation to supplement YOUR responses after
23 the date of production noted herein.

DOCUMENTS TO BE PRODUCED

REQUEST NO. 1

26 All DOCUMENTS, including but not limited to emails, text messages, instant
27 messages, and communications on Facebook, Twitter, or other social media sites,
28 CONCERNING GLASS HOUSE, including but not limited to:

- 1 a. All DOCUMENTS CONCERNING the development, production,
2 filming, or format of GLASS HOUSE;
- 3 b. All series bibles, series and episode outlines, dailies, story training
4 manuals, master control room manuals, competition pitches, format
5 pitches, and other DOCUMENTS REFLECTING the format,
6 content, production methods, story-producing methods, or filming
7 methods for GLASS HOUSE;
- 8 c. All DOCUMENTS RELATED to storyline or twist elements for
9 GLASS HOUSE;
- 10 d. All DOCUMENTS related to the technical set-up and design of the
11 house featured on GLASS HOUSE;
- 12 e. All DOCUMENTS related to audience participation, interactive
13 elements, or the deployment of cutting-edge technologies on
14 GLASS HOUSE; and
- 15 f. All DOCUMENTS RELATED TO the hiring of PERSONS to
16 work on GLASS HOUSE.

17 **REQUEST NO. 2**

18 All DOCUMENTS, including but not limited to emails, text messages, instant
19 messages, and communications on Facebook, Twitter, or other social media sites,
20 RELATING TO the planning, production, or development of a television show similar
21 to BIG BROTHER.

22 **REQUEST NO. 3**

23 All DOCUMENTS, including but not limited to emails, text messages, instant
24 messages, and communications on Facebook, Twitter, or other social media sites, from
25 January 1, 2009 to present RELATING TO BIG BROTHER.

26 **REQUEST NO. 4**

27 All DOCUMENTS, including but not limited to emails, text messages, instant
28 messages, and communications on Facebook, Twitter, or other social media sites,

1 RELATING TO COMMUNICATIONS between any PERSON affiliated with GLASS
2 HOUSE and Defendants Corie Henson, Michael O’Sullivan, or Kenny Rosen.

3 **REQUEST NO. 5**

4 All DOCUMENTS, including but not limited to emails, text messages, instant
5 messages, and communications on Facebook, Twitter, or other social media sites,
6 RELATING TO COMMUNICATIONS between anyone affiliated with GLASS
7 HOUSE and James MacNab, Max Poris, Mark Bettencort, Danny Schrader, Adam
8 Sheldon, Tony Gonzales, Gary Nowers, Kevin Faust, Healthier Bennett, Tony Kalatzis,
9 Mark Gonzales, Roy Walker, Martin Mourino, David Vanacore, Kevin Benson, or Joe
10 Kroll.

11 **REQUEST NO. 6**

12 All DOCUMENTS, including but not limited to emails, text messages, instant
13 messages, and communications on Facebook, Twitter, or other social media sites,
14 RELATING TO COMMUNICATIONS between or among Corie Henson, Michael
15 O’Sullivan, or Kenny Rosen, James MacNab, Max Poris, Mark Bettencort, Danny
16 Schrader, Adam Sheldon, Tony Gonzales, Gary Nowers, Kevin Faust, Healthier
17 Bennett, Tony Kalatzis, Mark Gonzales, Roy Walker, Martin Mourino, David
18 Vanacore, Kevin Benson, and/ or Joe Kroll CONCERNING BIG BROTHER.

19 Dated: May 14, 2004

20 SCOTT A. EDELMAN
21 THEANE EVANGELIS KAPUR
22 BLAINE H. EVANSON
23 MICHAEL W. SEITZ
24 GIBSON, DUNN & CRUTCHER LLP

25 By: _____
26 Scott A. Edelman

27 Attorneys for CBS Broadcasting Inc.

28 101287546.5