| | Cases.06-cv-04546-WITP Document | 23 Filed06/15/09 Page1 01 4 | | |
|----|---|--|--|--|
| | | | | |
| 1 | GLENN D. POMERANTZ (SBN 112503) Glenn.Pomerantz@mto.com | ROBERT H. ROTSTEIN (SBN 72452) | | |
| 2 | BART H. WILLIAMS (SBN 134009) Bart.Williams@mto.com | ERIC J. GERMAN (SBN 224557) ejg@msk.com | | |
| 3 | KELLY M. KLAUS (SBN 161091) | MITCHELL SILBERBERG & KNUPP LLP | | |
| 4 | Kelly.Klaus@mto.com MUNGER, TOLLES & OLSON LLP 355 South Grand Avenue, 35th Floor | 11377 West Olympic Boulevard Los Angeles, California 90064-1683 Tel: (310) 312-2000; Fax: (310) 312-3100 | | |
| 5 | Los Angeles, CA 90071-1560 Tel: (213) 683-9100; Fax: (213) 687-3702 | Tel. (310) 312-2000, 1 ax. (310) 312-3100 | | |
| 6 | GREGORY P. GOECKNER (SBN 103693) | | | |
| 7 | gregory_goeckner@mpaa.org DANIEL E. ROBBINS (SBN 156934) | | | |
| 8 | dan_robbins@mpaa.org 15301 Ventura Boulevard, Building E | | | |
| 9 | Sherman Oaks, California 91403-3102 Tel: (818) 995-6600; Fax: (818) 285-4403 | | | |
| 10 | Attorneys for Motion Picture Studio Plaintiffs | /Declaratory | | |
| 11 | Relief Claim Defendants | | | |
| 12 | UNITED STATES DISTRICT COURT | | | |
| 13 | NORTHERN DISTRICT OF CALIFORNIA | | | |
| 14 | REALNETWORKS, INC., et al., | CASE NO. C 08-4548-MHP | | |
| 15 | | | | |
| 16 | Plaintiffs, | STIPULATION AND [PROPOSED] ORDER AWARDING STUDIOS' FEES FOR SPOLIATION OF EVIDENCE | | |
| 17 | VS. | SPOLIATION OF EVIDENCE | | |
| 18 | DVD COPY CONTROL ASSOCIATION, INC., et al,. | | | |
| 19 | Defendants. | | | |
| 20 | UNIVERSAL CITY STUDIOS PRODUCTIONS LLLP, et al., | CASE NO. C 08-4719-MHP | | |
| 21 | Plaintiffs, | | | |
| 22 | VS. | | | |
| 23 | REALNETWORKS, INC., et al. | | | |
| 24 | Defendants. | | | |
| 25 | Defendants. | | | |
| 26 | | | | |
| 27 | | | | |
| 28 | | | | |
| | 8018973.1 | STIPULATION AND [PROPOSED] ORDER - 1 - REGARDING STUDIOS' FEES CASE NO. C 08-4548-MHP | | |

Case3:08-cv-04548-MHP Document423 Filed06/15/09 Page2 of 4

| | Plaintiffs/Counter-Defendants/Defendants RealNetworks, Inc. and RealNetworks Home | | |
|---|---|-----------|--|
| | Entertainment, Inc. (collectively "Real") and Defendants/Counter-Claimants/Plaintiffs Paramount | | |
| | Pictures Corp., Sony Pictures Entertainment, Inc., Twentieth Century Fox Film Corp., Warner | | |
| | Bros. Entertainment Inc., Disney Enterprises, Inc., NBC Universal, Inc, and Viacom, Inc | | |
| | (collectively, the "Studio Defendants" or "Studios") by and through their respective counsel, | | |
| | hereby respectfully request that the Court enter the following Order awarding the Studio | | |
| | Defendants' attorneys' fees as discussed in the Court's May 5, 2009 Memorandum and Order | | |
| | ("Order"). | | |
| | WHEREAS, the Court's Order found that sanctions for failure to preserve Nicole | | |
| | Hamilton's notebooks were appropriate, and instructed that the Studio Defendants file an | | |
| | application and declaration(s) for a monetary award including attorneys' fees and costs; | | |
| | WHERAS, the Studios seek a total of \$19,475.50 in reasonable attorneys' fees related to | | |
| | Ms. Hamilton's notebooks, drafting portions of the Motion for Sanctions for Spoliation of | | |
| | Evidence related thereto, and arguing portions of that Motion related thereto; | | |
| | WHERAS, Real by this stipulation is agreeing to pay the Studios \$19,475.50 as | | |
| | reasonable attorneys' fees pursuant to the Court's May 5 Order; | | |
| | NOW THEREFORE, Real, by and through its counsel or record, hereby agrees and | | |
| | stipulates that Real shall within 30 days of this Stipulation pay to Munger, Tolles & Olson LLP | | |
| the amount of \$19,475.50 in sanctions for failure to preserve the notebooks of Ms. Hamilton. | | | |
| | Dated: June 15, 2009 MUNGER TOLLES & OLSON, LLP | | |
| | | | |
| | By/s/ L. Ashley Aull | | |
| | Attorneys for Studios | | |
| | Dated: June 15, 2009 WILSON SONSINI GOODRICH & ROSA | TT | |
| | Dated: June 15, 2009 WILSON SONSINI GOODRICH & ROSA' Professional Corporation | 11 | |
| | By /s/ | | |
| | By/s/ Tracy Tosh Lane | | |
| | Attorneys for Real | | |
| | - 2 - STIPULATION AND [PROPOSE REGARDING STUD RASE NO. COS | IOS' FEES | |

CASE NO. C 08-4548-MHP

Case3:08-cv-04548-MHP Document423 Filed06/15/09 Page3 of 4 PURSUANT TO STIPULATION, IT IS SO ORDERED: Real shall within 30 days of this Order pay to Munger, Tolles & Olson LLP \$19,475.50 in attorneys' fees and sanctions for failure to preserve Ms. Hamilton's notebooks. UNITED STATES DISTRICT COURT JUDGE By Hon. Marilyn Hall Patel

Case3:08-cv-04548-MHP Document423 Filed06/15/09 Page4 of 4

| 1 | I, L. Ashley Aull, am the ECF user whose identification and password are being | | | |
|---------------------------------|--|--|--|--|
| 2 | used to file the STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR | | | |
| 3 | 3 DEFENDANTS TO FILE AN APPLICATION FOR MO | DEFENDANTS TO FILE AN APPLICATION FOR MONETARY SANCTIONS FOR | | |
| 4 | 4 SPOLIATION OF EVIDENCE. In compliance with Ger | SPOLIATION OF EVIDENCE. In compliance with General Order 45.X.B., I hereby | | |
| 5 | 5 attest that Tracy Tosh Lane has concurred in this filing. | attest that Tracy Tosh Lane has concurred in this filing. | | |
| 6 | | | | |
| 7 | 7 Dated: June 15, 2009 MUNGER To | OLLES & OLSON, LLP | | |
| 8 | | 1. 7 | | |
| 9 | 9 By | L. Ashley Aull | | |
| 10 | 10 Attorneys for | Studios | | |
| 11 | 11 | | | |
| 12 | 12 | | | |
| 13 | 13 | | | |
| 14 | 14 | | | |
| 15 | 15 | | | |
| 16 | | | | |
| 17 | | | | |
| 18 | | | | |
| 19 | | | | |
| 20 | | | | |
| 21 | | | | |
| 22 | | | | |
| 23 | | | | |
| 2425 | | | | |
| 25 26 | | | | |
| 27 | | | | |
| 28 | | | | |
| | - | GENEVA A FROM A NEW PROPOSEDA ORDER | | |