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 11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN FRANCISCO DIVISION

15 ANTHONY VENTURA, on behalf of  
 himself and all others similarly situated,

16 Plaintiff,

17 v.

18 SONY COMPUTER ENTERTAINMENT  
 19 AMERICA INC.,

20 Defendant.

CASE NO. 3:10-CV-01811-RS

**STATEMENT OF SUPPORT OF  
 ADMINISTRATIVE MOTIONS TO  
 RELATE VENTURA, BAKER, AND  
 DENSMORE CASES**

**(CIVIL LOCAL RULE 3-12)**

1 **I. INTRODUCTION**

2 Defendant Sony Computer Entertainment America LLC (“SCEA”) does not oppose, and  
3 rather supports, the two pending administrative motions filed seeking, respectively, to relate the  
4 following two cases:

- 5 • *Densmore, et al. v. Sony Computer Entertainment America Inc.*, Case No. 3:10-cv-  
6 01945 (“*Densmore*”) filed on May 5, 2010; and
- 7 • *Baker, et al. v. Sony Computer Entertainment America LLC*, Case No. 3:10-cv-  
8 01897 (“*Baker*”), filed on April 30, 2010;

9 to the following case, which was itself just assigned to Judge Seeborg:

- 10 • *Ventura, et al. v. Sony Computer Entertainment America Inc.*, Case No. 3:10-cv-  
11 01811 (“*Ventura*”), filed on April 27, 2010.

12 SCEA further notes that in an additional case, *Wright, et al. v. Sony Computer*  
13 *Entertainment America Inc., et al.*, Case No. 3:10-cv-01975 (“*Wright*”), filed on May 6, 2010,  
14 plaintiffs’ counsel has filed a Notice of Related Case, but has not filed the appropriate  
15 Administrative Motion under Local Rule 3-12 to ask the Court to consider whether the case is  
16 related to *Ventura*. SCEA supports the relation of this case to the *Ventura* case as well.

17 **II. THE VENTURA, BAKER, DENSMORE AND WRIGHT CASES ARE RELATED**  
18 **UNDER LOCAL RULE 3-12(a)**

19 SCEA agrees that the four new cases are related to each other for the general reasons set  
20 forth in the respective Administrative Motions and Notices of Related Case. For instance, on  
21 April 30, 2010, plaintiff in *Baker* filed a Notice of Related Cases stating that the *Baker* and  
22 *Ventura* cases may be related “because each plaintiff has alleged that [SCEA] engaged in  
23 improper business practices relating to PlayStation 3 game consoles, to their damage,” and  
24 because “[e]ach plaintiff seeks to represent a class of all similarly situated persons.”<sup>1</sup>

25 The Notice of Related Cases in *Wright*, filed May 6, 2010, states that *Wright* is related to  
26 *Ventura* as “the actions concern substantially the same parties, property, transactions or event;  
27 and it appears likely that there will be an unduly burdensome duplication of labor and expense or

28 <sup>1</sup> See Declaration of Deborah E. McCrimmon In Support Of Defendant’s Statement of Support of Administrative  
Motions To Relate *Ventura*, *Baker* and *Densmore* Cases, (“McCrimmon Decl.”), ¶ 7, Ex. E, p. 2.

1 conflicting results if the cases are conducted before different judges.”<sup>2</sup>

2 The Administrative Motion to relate the *Baker* and *Ventura* cases, filed on May 14, 2010,  
3 observes, among other things, that the allegations of those complaints “substantially overlap,” and  
4 that the cases are related because: (i) they involve the “same parties” (a putative class of all  
5 persons in the United States who purchased a PS3 between November 17, 2006 and March 27,  
6 2010, and still own it); and (ii) the “same ‘event’ [is] at issue” (both “seek to recoup damages  
7 allegedly sustained by consumers due to Sony intentionally disabling [through a firmware update]  
8 valuable functions of the PS3...”).<sup>3</sup>

9 The Administrative Motion in *Densmore*, filed on May 17, 2010, also references the  
10 similarity of allegations and putative class definitions in the two complaints.<sup>4</sup>

11 SCEA notes that on May 17, 2010, plaintiff in *Ventura* filed a noticed Motion for an  
12 order: (1) Finding Cases Related; (2) Consolidating Related Cases; (3) Appointing Interim Co-  
13 Lead Counsel, and (4) Setting Case Management Dates.<sup>5</sup> SCEA does not join in that motion at  
14 this time (which seeks among other things, consolidation, as opposed to relation of these four  
15 cases) and to the contrary, reserves all rights with respect to fully responding to and, as  
16 appropriate, opposing matters raised in that motion.

17 SCEA further notes that the four new cases (*Ventura*, *Baker*, *Densmore* and *Wright*)  
18 appear be related to the existing *In re Sony PS3 Litigation* pending before this Court, based on,  
19 among other things, the overlapping class definitions, the overlapping relief sought and the  
20 similarity in the alleged property, transactions and events in each case. Given that the issue of  
21 whether the four new cases are related to the existing *In re Sony PS3 Litigation* is not necessary to  
22 or dispositive of plaintiffs’ pending Administrative Motions regarding *Ventura*, *Baker*, and  
23 *Densmore*, SCEA does not explicate that issue here, but will do so if the Court so requests.

### 24 **III. CONCLUSION**

25 For the above reasons, SCEA supports the relief sought by the Administrative Motions

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27 <sup>2</sup> See McCrimmon Decl., ¶ 8, Ex. F, p.2.

28 <sup>3</sup> See McCrimmon Decl., ¶ 9, Ex. G, p.4.

<sup>4</sup> See McCrimmon Decl., ¶ 10, Ex. H, pp. 1-3.

<sup>5</sup> See McCrimmon Decl., ¶ 11, Ex. I.

1 filed by the *Baker* and *Densmore* plaintiffs, and the Notice of Related Cases filed by the *Wright*  
2 plaintiffs. SCEA respectfully submits that the *Ventura*, *Densmore*, *Baker* and *Wright* cases  
3 allegedly concern substantially the same parties, property, transactions and events, and that it is  
4 likely that there will be an unduly burdensome duplication of labor and expense or conflicting  
5 results if those four cases were not conducted before this Court. Under Local Rule 3-12, the  
6 *Ventura*, *Densmore*, *Baker* and *Wright* cases should be related and assigned to this Court.

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Dated: May 19, 2010

DLA PIPER LLP (US)

By                   /s/ Deborah E. McCrimmon                    
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