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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

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

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Plaintiffs,

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vs.

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SONY COMPUTER ENTERTAINMENT  
 AMERICA, INC.

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Defendant.

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JASON BAKER, SEAN BOSQUETT,  
 FRANK BACHMAN, PAUL GRAHAM, and  
 PAUL VANNATTA, Individually and on  
 Behalf of All Others Similarly Situated,

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Plaintiffs,

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vs.

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SONY COMPUTER ENTERTAINMENT  
 AMERICA, LLC successor to SONY  
 COMPUTER ENTERTAINMENT  
 AMERICA, INC.

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Defendant.

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**CASE NO. CV-10-1811 EMC**

**CLASS ACTION**

**ADMINISTRATIVE MOTION TO  
RELATE *BAKER* AND *VENTURA*  
CASES**

**CASE NO. C 10-01897 SC**

CLASS ACTION; ADMINISTRATIVE MOTION TO RELATE BAKER AND VENTURA CASES

1 JASON BAKER, SEAN BOSQUETT, FRANK BACHMAN, PAUL GRAHAM and PAUL  
2 VANNATTA, Plaintiffs, submit this Administrative Motion to Relate the *Baker* and *Ventura* cases  
3 pursuant to local rules 3-12 and 7-11 because the following actions are related:

- 4 ● *Ventura v. Sony Computer Entertainment America, Inc.*;  
5 USDC Civil Action No. 10-CV-01811 EMC (filed April 27, 2010)<sup>1</sup>
- 6 ● *Baker, et al. v. Sony Computer Entertainment America, LLC successor to*  
7 *Sony Computer Entertainment America, Inc.*;  
8 Civil Action No. 10-CV-01897-SC (filed April 30, 2010) and

9 Relating these cases is appropriate because the allegations in the *Ventura* action overlap those  
10 asserted in *Baker*. Judicial economy and the local rules dictate that the later action filed, *Baker*,  
11 should be transferred to Judge Chen, the presiding judge in the earlier filed case, *Ventura*.

12 **I.**

13 **BAKER SEEKS DAMAGES BASED ON SONY’S PRACTICE OF**  
14 **DISABLING VALUABLE FUNCTIONS OF THE PLAYSTATION3**

15 On April 30, 2010, Plaintiffs filed a Class Action Complaint. The *Baker* Complaint asserts  
16 violations of California’s Unfair Competition Law §17200, *et seq.*, California’s Consumers Legal  
17 Remedies Act Civ. Code §1770(a)(5) and §1770(a)(19), breach of contract, and breach of the duty  
18 of good faith and fair dealing. These counts are all premised on Plaintiffs’ allegations that Sony  
19 intentionally disabled valuable functions of the PlayStation3 for which consumers paid a premium  
20 price over other gaming consoles. *Baker* Complaint ¶2. Sony marketed and sold its PlayStation3  
21 (“PS3”) video game console as including valuable functions, such as the “Other OS” feature, unified  
22 online gaming service, PlayStation Network, multimedia capabilities, and Blu-ray technology. The  
23 PS3 could run a Linux operating system that transforms the PS3 into a home computer. Because of  
24 such exceptional features, the PS3 was the most expensive gaming console on the market when  
25 launched in 2006. *Baker* Complaint ¶1.

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28 <sup>1</sup>A true and correct copy of the *Ventura* Complaint is attached hereto as Exhibit A. A true  
and correct copy of the *Baker* Complaint is attached hereto as Exhibit B.

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**II.**

**VENTURA ALSO SEEKS DAMAGES BASED ON SONY’S PRACTICE OF DISABLING VALUABLE FUNCTIONS OF THE PLAYSTATION3**

Plaintiff *Ventura* filed his Class Action Complaint on April 27, 2010. *Ventura’s* action asserts violations of California’s Unfair Competition Law, Business and Professions Code §17200, *et seq.*, California’s Consumers Legal Remedies Act Civil Code §1770(5) and 1770(19), breach of contract, unjust enrichment, and breach of the covenant of good faith and fair dealing. The *Ventura* action alleges that Sony intentionally disabled the valuable functionalities originally advertised as available with the Sony PS3 video game console. *Ventura* Complaint ¶1. The allegations are similar to the allegations in the *Baker* action. Specifically, *Ventura* alleges:

...Sony’s marketing and advertising of the PS3 highlighted the major features that distinguish the PS3 from other gaming consoles, including its unified online gaming service, the PlayStation Network, its robust multimedia capabilities, its use of a high-definition optical Blu-ray Disc as its primary storage medium, and the Blu-ray 2.0-compliant Blu-ray player.

*Ventura* Complaint ¶12.

An important PS3 feature Sony advertised was the Other OS function, which provides users with the unique ability to install another operating system, such as a Linux operating system, alongside the main PS3 system software.

*Id.* ¶13

Until recently, Sony promoted the Other OS feature in its marketing of the PS3. Indeed, Sony stated on its website “playstation.com” that when it designed the PS3, “it was fully intended that you, a PS3 owner, could play games, watch movies, view photos, listen to music, and run a full-featured Linux operating system that transforms your PS3 into a home computer.

*Id.* ¶14

As part of the PS3 launch in November 2006, Sony Computer Entertainment President Ken Kutaragi represented that the Linux operating system could be used on the PS3, which would allow purchasers to use a PS3 as a home personal computer with a direct connection to the Internet.

*Id.* ¶15

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1 III.

2 THE BAKER AND VENTURA ACTIONS ARE RELATED

3 Local Rule 3-12 states that actions are related when “[t]he actions concern substantially the  
4 same parties, property, transaction or event” and “[i]t appears likely that there will be an unduly  
5 burdensome duplication of labor and expense or conflicting results if the cases are conducted before  
6 different Judges.” The *Baker* and *Ventura* actions qualify as related under Local Rule 3-12 because  
7 *Baker’s* allegations substantially overlap the allegations in the *Ventura* action.

8 **Same parties:** Both *Baker* and *Ventura* seek representation of a putative class of all persons  
9 in the United States who purchased a PS3 during the period beginning November 17, 2006 through  
10 March 27, 2010, and still own their PS3 as of March 27, 2010. Specifically, *Baker* proposed a class  
11 of “all persons in the United States who purchased a PS3 during the period beginning November 17,  
12 2006 through March 27, 2010, and still own their PS3 as of March 27, 2010. *Baker* Complaint ¶3.  
13 *Ventura* proposed class encompasses *Baker’s* proposed class: “all persons who purchased a PS3  
14 during the period November 17, 2006 to March 27, 2010 and who did not resell their PS3 before  
15 March 27, 2010.” *Ventura* Complaint ¶2.

16 **Same “event” at issue:** Both *Baker* and *Ventura* seek to recoup damages allegedly sustained  
17 by consumers due to Sony intentionally disabling valuable functions of the PS3 for which consumers  
18 paid a premium price over other gaming consoles. Both actions use these allegations as the  
19 foundation for causes of action based on California’s Unfair Competition Law §17200, *et seq.*,  
20 California’s Consumers Legal Remedies Act Civ. Code §1770(a)(5) and §1770(a)(19), breach of  
21 contract, and breach of the duty of good faith and fair dealing.

22 **Potential for duplication of labor:** If these cases proceed separately, discovery of  
23 documents, data, and information concerning these allegations will require duplication of labor.

24 **Potential for conflicting results:** The overlapping factual allegations and causes of action  
25 create a risk for potentially conflicting results if the *Baker* and *Ventura* actions are litigated  
26 separately.

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1 For these reasons and in the interest of judicial economy, Plaintiffs request that their action  
2 be transferred to Judge Chen.

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Dated: May 14, 2010

Connor & Bishop

By: /s/Charles S. Bishop  
Charles S. Bishop  
Attorneys for Plaintiffs  
JASON BAKER, SEAN BOSQUETT, FRANK  
BACHMAN, PAUL GRAHAM, and PAUL  
VANNATTA, Individually and on Behalf of All  
Others Similarly Situated