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Attorneys for Defendants
DIRECTV and DIRECTV, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

FEDERAL TRADE COMMISSION,
Plaintiff,

v.

DIRECTV, a corporation,
and
DIRECTV, LLC, a limited liability
company,
Defendants.

Case No. 3:15-cv-01129-HSG

Assigned to the Hon. Haywood S. Gilliam, Jr.

**STIPULATED MOTION FOR
ADMINISTRATIVE RELIEF SEEKING
LEAVE TO FILE STATEMENTS
REGARDING CERTAIN EVIDENTIARY
DISPUTES**

[Local Rules 7-11 and 7-12]

1 Plaintiff Federal Trade Commission (“FTC”) and Defendants DIRECTV and DIRECTV,
2 LLC (“DIRECTV”) (collectively, the “parties”) jointly stipulate and request, pursuant to N.D. Cal.
3 Local Rules 7-11 and 7-12, leave to file statements in advance of trial regarding certain outstanding
4 evidentiary disputes.

5 In advance of trial, the parties have been meeting and conferring regularly regarding
6 outstanding evidentiary disputes, including the admissibility of the following categories of exhibits:
7 (1) Summary Exhibits under Federal Rule of Evidence 1006; (2) Print advertisements; (3) Webflows
8 from directv.com; (4) TV advertisements; (5) Pricing guides associated with DIRECTV service; (6)
9 Documents associated with the telephone-sales call process; (7) Sales- and retention-call recordings;
10 and (8) DIRECTV’s SEC Filings. The parties have also met and conferred about foundation
11 objections to documents. These meetings have been productive, and the parties anticipate filing a
12 stipulation requesting pre-admission of numerous exhibits on Tuesday, February 28, 2017, which
13 additionally would resolve some foundation objections. Nonetheless, there remain some evidentiary
14 disputes that will likely require resolution by the Court.

15 The parties are each requesting permission to file a five-page statement on Tuesday, February
16 28, 2017, setting forth their respective positions regarding preadmission of certain categories of
17 exhibits falling into categories that remain in dispute and DIRECTV’s foundation objections to
18 certain sponsors and exhibits. The parties believe that briefing these issues in advance of the trial
19 (although outside of the Court’s standard process) is beneficial for three reasons. First, it will
20 provide the Court with additional time to review each parties’ submission (compared with a
21 midnight filing set for a hearing the following morning). Second, it will reduce the issues to be
22 resolved on the first day of trial. Third, it will allow the Court to consider limited categories of
23 issues involving multiple exhibits. Finally, the Court could more efficiently resolve a category of
24 disputes that might otherwise arise repeatedly across multiple days of trial.

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1 NOW THEREFORE, the parties, through the undersigned counsel, hereby respectfully
2 request the Court's permission to file separate five-page statements on Tuesday, February 28, 2017,
3 regarding seeking or opposing preadmission of exhibits falling into the broad categories, described
4 above.

5 Dated: February 24, 2017

SIDLEY AUSTIN LLP

6 By: /s/ Bridget S. Johnsen
7 Bridget S. Johnsen
8 Attorneys for Defendants
DIRECTV and DIRECTV, LLC

9 FEDERAL TRADE COMMISSION

10 By: /s/ Jacob A. Snow
11 Jacob A. Snow
12 Attorneys for Plaintiff
Federal Trade Commission

13 Pursuant to Civil Local Rule 5-1(i), the filer attests that concurrence in the filing of this
14 document has been obtained from the signatories above.

15 By: /s/ Jacob A. Snow

16 ~~PROPOSED~~ ORDER

17 The parties' stipulated administrative motion is GRANTED. DIRECTV and the FTC shall
18 each file on Tuesday, February 28, 2017 a brief not exceeding five pages addressing the
19 admissibility and foundation issues described above.
20

21
22 Dated: 2/27/2017


HON. HAYWOOD S. GILLIAM, JR.