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 DIRECTV and DIRECTV, LLC

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN FRANCISCO DIVISION

21 FEDERAL TRADE COMMISSION,

22 Plaintiff,

23 v.

24 DIRECTV, a corporation,

25 and

26 DIRECTV, LLC, a limited liability  
 company,

27 Defendants.  
 28

Case No. 3:15-cv-01129 HSG

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

**STIPULATION REGARDING  
 ADMISSIBILITY OF CERTAIN TRIAL  
 EXHIBITS**

**[Local Rule 7-12]**

1 Plaintiff Federal Trade Commission (“FTC”) and Defendants DIRECTV and DIRECTV,  
2 LLC (“DIRECTV”) (collectively, the “parties”) jointly stipulate, pursuant to N.D. Cal. Local Rule 7-  
3 12, to the admissibility of the following trial exhibits. The parties have decided not to file statements  
4 regarding any disputed issues outside of the Court’s standard procedures.

5 **(1) Print Advertisements**

6 The parties agree that the Trial Exhibits listed below, which are DIRECTV print  
7 advertisements, may be admitted into evidence at trial, subject to the following stipulation:

8 DIRECTV’s print ads were produced to the FTC electronically. Print ads are  
9 provided to consumers in paper form only. To prepare the paper versions of print ads for  
10 trial, the FTC used the electronic files provided to the FTC by DIRECTV or its agents. The  
11 format of the print ad exhibits provided in paper to the Court by the FTC (in the 1-1999 range  
12 of the trial exhibits) may differ from the original paper version seen by consumers in some  
13 respects, e.g., a double-sided print ad may have been printed single-sided, certain exhibits  
14 include printer’s instructions, and the type of paper may differ. DIRECTV represents to the  
15 Court that the paper forms of the FTC’s print ad exhibits are not in the form provided to  
16 consumers, and that Exhibits 2006-2023 and 2025-2026 are in the form provided to  
17 consumers. DIRECTV also asserts that the image quality of the paper print ads on the FTC’s  
18 exhibit list is lower than the image quality on the print ads that a consumer would have  
19 viewed.

20 Exhibit Nos: 78, 79, 82, 83, 84, 85, 87, 88, 89, 90, 91, 92, 94, 96, 97, 98, 99, 105, 106, 107,  
21 111, 112, 113, 114, 115, 116, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132,  
22 134, 136, 137, 138, 139, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 156, 157,  
23 160, 161, 162, 163, 164, 165, 166, 168, 169, 170, 171, 172, 173, 174, 176, 177, 179, 182, 184, 185,  
24 186, 187, 188, 189, 190, 192, 193, 195, 197, 198, 199, 200, 201, 203, 206, 207, 208, 209, 210, 212,  
25 213, 214, 215, 217, 218, 219, 222, 223, 224, 225, 226, 227, 228, 230, 231, 232, 234, 235, 238, 239,  
26 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 257, 258, 259, 262,  
27 263, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285,  
28 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 299, 300, 301, 302, 303, 304, 305, 306,

1 308, 309, 310, 311, 312, 313, 321, 322, 323, 324, 325, 326, 327, 328, 329, 333, 334, 335, 1304,  
2 1329, 1339, 1341, 2006-2023, 2025, and 2026.

3 **(2) Webflows**

4 The parties agree that Trial Exhibit Nos. 1021, 1033, 1035, 1046, 1050, 1059, 1065, 1068,  
5 1072, 1081, 2045, which are images of DIRECTV's website, directv.com, may be admitted into  
6 evidence at trial, subject to the following stipulation:

7 The quality of the images of the above web-flow exhibits has been degraded due  
8 to technological limitations associated with memorializing the web-flows. The  
9 above web-flow exhibits accurately reflect the content of those portions of  
10 directv.com that are displayed on the face of the exhibit but may exclude portions  
11 of the website.

12 **(3) FRE 1006 Summary Exhibits**

13 The parties agree that Trial Exhibit Nos. 424, 433, 665, and 472, which are summary  
14 exhibits prepared by the FTC, may be admitted into evidence at trial.

15 **(4) Television Advertisements**

16 The parties agree that Trial Exhibit Nos. 438 and 442-456, which are DIRECTV television  
17 advertisements, may be admitted into evidence at trial.

18 **(5) DIRECTV Sales Guides**

19 The parties stipulate that Trial Exhibit Nos. 1-2, 5-7, 12-14, 18, 22-25, 27-31, 33-34, 36-37,  
20 39-40, 42-46, and 49-65, which are DIRECTV's sales guides, may be admitted into evidence at trial,  
21 subject to the following stipulation:

22 DIRECTV's sales guides are not advertisements and are not seen by consumers.  
23 Trial Exhibit Nos. 1-2, 5-7, 12-14, 18, 22-25, 27-31, 33-34, 36-37, 39-40, 42-46,  
24 and 49-65 include all sales guides located by DIRECTV and provided to the FTC,  
25 but these sales guides do not cover the entirety of the relevant time period at issue  
26 in this action.

27 **(6) DIRECTV "Call Flows"**

28 The parties stipulate that Trial Exhibit Nos. 483, 485, 489, 499, 505, 511, 516, 521, and 524,

1 which are DIRECTV's call flows, may be admitted into evidence at trial, subject to the following  
2 stipulation:

3 Trial Exhibits 483, 485, 489, 499, 505, 511, 516, 521, and 524 are referenced  
4 generally as "call flows" at DIRECTV and are one of several categories of  
5 materials provided to customer service agents to support the agent on inbound  
6 sales calls to DIRECTV.

7 **(7) Screen Shots and Video Captures of DIRECTV Telephone Agent Dashboard**

8 The parties agree that Trial Exhibit Nos. 482 and 542-544, which are screen shots and video  
9 captures of DIRECTV Telephone Agent Dashboards, may be admitted into evidence at trial.

10 **(8) DIRECTV SEC Filings**

11 The parties agree that Trial Exhibit Nos. 1290-1294, which are certified copies of DIRECTV  
12 Form 10-K filings with the U.S. Securities and Exchange Commission from 2010-2014, may be  
13 admitted into evidence at trial.

14 Dated: February 28, 2017

SIDLEY AUSTIN

15 By: /s/ Chad S. Hummel  
16 Chad S. Hummel  
17 Attorneys for Defendants  
DIRECTV and DIRECTV, LLC

18 FEDERAL TRADE COMMISSION

19 By: /s/ Eric D. Edmondson  
20 Eric D. Edmondson  
21 Attorneys for Plaintiff  
Federal Trade Commission

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

24 By: /s/ Jacob A. Snow  
25  
26  
27  
28

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/1/2017

  
HON. HAYWOOD S. GILLIAM, JR.

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