

**GAUNTLETT & ASSOCIATES**

David A. Gauntlett (SBN 96399)

James A. Lowe (SBN 214383)

Brian S. Edwards (SBN 166258)

18400 Von Karman, Suite 300

Irvine, California 92612

Telephone: (949) 553-1010

Facsimile: (949) 553-2050

jal@gauntlettlaw.com

bse@gauntlettlaw.com

Attorneys for Defendants

Akanoc Solutions, Inc.,

Managed Solutions Group, Inc.

and Steven Chen

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

LOUIS VUITTON MALLETIER, S.A.,

Plaintiff,

vs.

AKANOC SOLUTIONS, INC., et al.,

Defendants.

) Case No.: C 07-3952 JW (HRL)

) Hon. Magistrate Judge Howard R. Lloyd

) **DEFENDANTS' MISCELLANEOUS**  
) **ADMINISTRATIVE REQUEST TO**  
) **SUBMIT A STATEMENT OF RECENT**  
) **DECISION**

) [Local Rules 7-3(d) and 7-11]

1 **I. MISCELLANEOUS ADMINISTRATIVE REQUEST TO FILE STATEMENT OF**  
2 **RECENT DECISION AND SUPPLEMENTAL DECLARATION**

3 Defendants Akanoc Solutions, Inc., Managed Solutions Group, Inc. and Steve Chen submit  
4 this Miscellaneous Administrative Request for an Order allowing Defendants to file a Statement of  
5 Recent Decision and Declaration. *Quon v. Arch Wireless Operating Co., Inc.*, 2008 WL 2440559  
6 (No. 07-55282, June 18, 2008, 9<sup>th</sup> Cir. (Cal.)) (“the “*Quon*” case) supports Defendants’ argument  
7 that Plaintiff Louis Vuitton’s (“Vuitton”) Motion to Compel Production Of Electronic  
8 Communications Contained on Internet Servers should be denied. The statement of recent decision  
9 will assist the Court in making a determination on Vuitton’s pending motion to compel. Judicial  
10 economy will be served by allowing the filing, since the Court has not made a decision on the  
11 pending motions and the information is relevant to the Court’s determination.

12 **II. THE LOCAL RULES ALLOW THE FILING OF THE DOCUMENTS**

13 Local Rule 7-3(d) allows submission of a Statement of Recent Decision before the hearing of  
14 a motion, but not after the hearing, unless prior Court approval is obtained. Local Rule 7-11 permits  
15 a party to submit a Miscellaneous Administrative Request with respect to administrative matters that  
16 are not otherwise governed by the Federal Rules, statute, standing order or local rules. The  
17 administrative matter of obtaining Court approval to submit additional memoranda, papers or  
18 documents is not addressed by any statute, standing order or Federal or local rules; thus, Plaintiffs  
19 make their request pursuant to L.R. 7-11.

20 **III. STATEMENT OF DECISION PROVIDES GUIDANCE TO THE COURT**

21 Defendants’ request that the Court allow them to file a Statement of Recent Decision and  
22 Declaration which includes a copy of the recent decision from the Ninth Circuit Court of Appeals in  
23 *Quon v. Arch Wireless Operating Co., Inc.*, 2008 WL 2440559 (No. 07-55282, June 18, 2008, 9<sup>th</sup>  
24 Cir. (Cal.)). The *Quon* case is factually similar, and therefore pertinent to this matter, as it involves  
25 the applicability of the Federal Stored Communications Act to the disclosure of data stored on  
26 computer servers.

27 ///

28 ///

1 **IV. CONCLUSION**

2 For the foregoing reasons, Defendants request the Court grant its Miscellaneous  
3 Administrative Request and order the Statement of Recent Decision and Declaration be filed with  
4 the Court.

5  
6 Dated: June 20, 2008

**GAUNTLETT & ASSOCIATES**

7  
8 By: /s/ James A. Lowe

9 David A. Gauntlett  
10 James A. Lowe  
11 Brian S. Edwards

12 Attorneys for Defendants  
13 AKANOC SOLUTIONS, INC., MANAGED  
14 SOLUTIONS GROUP, INC., AND STEVE CHEN  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28