

1 A. JOHN P. MANCINI (*pro hac vice*)
 2 MAYER BROWN LLP
 3 1675 Broadway
 4 New York, NY 10019
 Telephone: (212) 506-2500
 Facsimile: (212) 262-1910
 Email: jmancini@mayerbrown.com

5 DAVID H. KRAMER, State Bar No. 168452
 6 WILSON SONSINI GOODRICH & ROSATI
 7 650 Page Mill Road
 Palo Alto, CA 94304-1050
 Telephone: (650) 493-9300
 Facsimile: (650) 565-5100
 8 Email: dkramer@wsgr.com
 Email: mrubin@wsgr.com

9 RICHARD B. KENDALL, State Bar No. 90072
 10 PHILIP M. KELLY, State Bar No. 212174
 11 KENDALL BRILL & KLIEGER LLP
 12 10100 Santa Monica Boulevard, Suite 1725
 Los Angeles, California 90067
 Tel.: (310) 556-2700
 Fax: (310) 556-2705
 13 Email: rkendall@kbfkfirm.com
 Email: pkelly@kbfkfirm.com

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN JOSE DIVISION**

18 IN RE SUBPOENA TO BayTSP, INC.
 19 VIACOM INTERNATIONAL INC., *et al.*,
 Plaintiffs,

20 v.

21 YOUTUBE, INC., *et al.*,
 22 Defendants.
 23 THE FOOTBALL ASSOCIATION PREMIER
 LEAGUE LIMITED, *et al.*,

24 Plaintiffs,

25 v.

26 YOUTUBE, INC. *et al.*,
 Defendants.

CASE NO.: 08-MC-80211 JF (PVTx)

**STIPULATION AND [XXXXXXXXXXXXX
ORDER EXTENDING TIME TO
PRODUCE DOCUMENTS**

(S.D.N.Y. CASE NOS. I :07-cv-021 03
(LLS) (FM); I :07-cv-3582 (LLS) (FM))
Judge: Honorable Jeremy Fogel

1 WHEREAS on September 27, 2007, YouTube, Inc., YouTube, LLC and Google Inc.,
2 (collectively, “YouTube” or “Defendants”) issued a non-party subpoena (“Subpoena”) from this
3 Court to BayTSP, Inc. (“BayTSP”) in connection with civil actions filed by Viacom
4 International, Inc. *et al.* and The Football Association Premier League, *et al.* against YouTube,
5 Inc. *et al.* in the United States District Court for the Southern District of New York, Case Nos. I
6 :07-cv-021 03 (LLS) (FM) and I :07-cv-3582 (LLS) (FM), respectively (collectively, “SDNY
7 Actions”). The Subpoena sought documents relating to BayTSP’s clients, including Viacom-
8 related clients and non-Viacom-related clients.

9 WHEREAS BayTSP objected to the Subpoena on various grounds and YouTube moved
10 to compel BayTSP’s compliance with the Subpoena. United States Magistrate Judge Patricia
11 Trumbull granted YouTube’s motion to compel and ordered that BayTSP produce “documents
12 related to the Viacom-related entities no later than March 6, 2009” and “documents related to the
13 non-Viacom related entities no later than July 15, 2009”;

14 WHEREAS BayTSP objected to the Magistrate Judge’s order and the District Court, and
15 Honorable Jeremy Fogel, overruled BayTSP’s objection on April 24, 2009;

16 WHEREAS BayTSP and YouTube have been working with an electronic discovery
17 vendor to finalize an appropriate search term list to target responsive non-Viacom related
18 documents and prepare a database for reviewing and producing the documents. However, the
19 parties have been informed by the electronic discovery vendor that, due to the large quantity of
20 source data (over 5 terabytes) from which responsive documents must be extracted, it will take a
21 substantial length of time (potentially up to two months) to process the responsive documents
22 and load them into a database. Once the database has been created, the documents must
23 thereafter be reviewed for privilege and responsiveness before production; therefore

24 IT IS HEREBY AGREED THAT:

25 1. The deadline by which BayTSP must produce documents and a privilege log
26 related to the non-Viacom entities is hereby extended from July 15, 2009 to September 15, 2009,
27 provided that BayTSP produces responsive documents on a rolling basis as they become
28 available.

1 2. The parties will negotiate further extensions of this deadline in good faith, if
2 necessary

3 3. Once the document database is created, BayTSP will provide YouTube with
4 periodic status updates on the quantity of documents BayTSP has reviewed and produced and the
5 quantity of unreviewed documents remaining.

6 AGREED and STIPULATED

*Attorneys for YouTube, Inc., YouTube, LLC
and Google Inc.*

7 July 9, 2009

8 By: /s/ A. John P. Mancini
9 A. John P. Mancini (*pro hac vice*)
10 MAYER BROWN LLP
11 1675 Broadway
12 New York, NY 10019
13 Telephone: (212) 506-2500
14 Facsimile: (212) 262-1910

15 David H. Kramer
16 WILSON SONSINI GOODRICH & ROSATI
17 650 Page Mill Road
18 Palo Alto, CA 94304-1050
19 Telephone: (650) 493-9300
20 Facsimile: (650) 565-5100

21 AGREED and STIPULATED

Attorneys for BayTSP, Inc.

22 July 9, 2009


23 By: /s/ Philip M. Kelly
24 Richard B. Kendall
25 Philip M. Kelly
26 KENDALL BRILL & KLIEGER LLP
27 10100 Santa Monica Boulevard, Suite 1725
28 Los Angeles, California 90067
Telephone: (310) 556-2700
Facsimile: (310) 556-2705

Filer's Attestation: Pursuant to General Order No. 45, Section X(B), the filer hereby attests that the signatories' concurrence in the filing of this document has been obtained

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: July 9, 2009


Honorable Patricia V. Trumbull
United States Magistrate Judge