

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FOX TELEVISION STATIONS, INC., et al.,

CIVIL ACTION NO. 1:13-cv-00758 (RMC)

Plaintiffs/Counter-Defendants,

v.

FILMON X, LLC, et al.,

Defendants/Counter-Plaintiffs.

**DECLARATION OF RYAN G. BAKER IN SUPPORT OF
EMERGENCY MOTIONS**

I, Ryan G. Baker, declare:

1. I am an attorney admitted to practice in the State of California, and a partner at Baker Marquart LLP. I represent the defendants in this action.
2. I submit this declaration in support of (1) Defendants' Motion for Reconsideration of the Geographic Scope of the Preliminary Injunction and Bond Amount and (2) Defendants' Emergency Motion to Stay the Preliminary Injunction Pending Appeal and to Modify the Scope of the Injunction. I have personal knowledge of the facts set forth herein and, if called as a witness, I could and would testify competently thereto.
3. On September 9, 2013 I gave notice pursuant to Local Rule 7(m) to plaintiffs' counsel that Defendants planned to file (1) motion for reconsideration of the Court's September 5, 2013 Order, in particular, reconsideration of the geographic scope of the injunctive relief and the bond amount and (2) motion to stay the injunctive relief.
4. On September 10, 2013 plaintiffs' counsel informed me that plaintiffs will oppose Defendants' motions. Attached as Exhibit 1 is a true and correct copy of meet and confer

correspondence between myself and counsel for the plaintiffs on the subject of these emergency motions.

5. On September 10, 2013 I suggested to plaintiffs' counsel that the parties make a joint proposal regarding an expedited briefing schedule, but the parties were unable to agree to the terms.

6. Defendants have brought these motions at the first available opportunity.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on September 10, 2013 at Los Angeles, California.

By



Ryan G. Baker

Exhibit 1

Kelly Raney

From: Ryan Baker
Sent: Tuesday, September 10, 2013 5:27 PM
To: Scott Malzahn
Cc: Kelly Raney
Subject: FW: Fox Television Stations, Inc. v. FilmOn X LLC (case no. 1:13-cv-00758) -- Ex Parte Notice

From: <Shepard>, "Julie A." <JShepard@jenner.com>

Date: Tuesday, September 10, 2013 4:55 PM

To: Ryan Baker <rbaker@bakermarquart.com>, "Blackburn, James S." <James.Blackburn@APORTER.COM>, "Ulin, John C." <John.Ulin@APORTER.COM>

Cc: Scott Malzahn <smalzahn@bakermarquart.com>, Kelly Raney <kraney@bakermarquart.com>, "Wagman, Jennifer L." <JWagman@jenner.com>

Subject: RE: Fox Television Stations, Inc. v. FilmOn X LLC (case no. 1:13-cv-00758) -- Ex Parte Notice

Ryan,

In response to your proposal that the parties agree to a briefing schedule on FilmOnX's ex parte applications/emergency motions and some kind of corresponding extension of the due date for FilmOnX to submit its declaration that it is in compliance with the injunction, the plaintiffs are not prepared to enter into such an agreement. We understand that you will be filing FilmOnX's applications/motions this evening and will rely on the Court as to whether any response is required from the plaintiffs.

Regards,

Julie

Julie A. Shepard

Jenner & Block LLP
633 West 5th Street
Suite 3600
Los Angeles, CA 90071
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From: Ryan Baker [<mailto:rbaker@bakermarquart.com>]
Sent: Tuesday, September 10, 2013 11:43 AM
To: Blackburn, James S.; Shepard, Julie A.; Ulin, John C.

Cc: Scott Malzahn; Kelly Raney
Subject: Re: Fox Television Stations, Inc. v. FilmOn X LLC (case no. 1:13-cv-00758) -- Ex Parte Notice

Jim,

I am willing to discuss that with you, and perhaps we can make a joint proposal.

Do you have time to discuss?

Thanks,

Ryan

Ryan G. Baker

Baker Marquart LLP

Direct: (424) 652-7801

rbaker@bakermarquart.com

www.bakermarquart.com

From: <Blackburn>, "James S." <James.Blackburn@APORTER.COM>
Date: Tuesday, September 10, 2013 11:23 AM
To: Ryan Baker <rbaker@bakermarquart.com>, "Shepard, Julie A." <JShepard@jenner.com>, "Ulin, John C." <John.Ulin@APORTER.COM>
Cc: Scott Malzahn <smalzahn@bakermarquart.com>, Kelly Raney <kraney@bakermarquart.com>
Subject: RE: Fox Television Stations, Inc. v. FilmOn X LLC (case no. 1:13-cv-00758) -- Ex Parte Notice

Ryan,

Plaintiffs will oppose Defendants' applications.

You state that Defendants will be seeking relief on an ex parte basis. What briefing schedule will Defendants request the Court set on their applications?

Regards,
Jim

James S. Blackburn
Partner

Arnold & Porter LLP
44th Floor
777 South Figueroa Street
Los Angeles, CA 90017-5844

Telephone: +1 (213) 243-4063
James.Blackburn@aporter.com

From: Ryan Baker [<mailto:rbaker@bakermarquart.com>]
Sent: Tuesday, September 10, 2013 7:54 AM
To: Shepard, Julie A.; Blackburn, James S.
Cc: Scott Malzahn; Kelly Raney
Subject: Re: Fox Television Stations, Inc. v. FilmOn X LLC (case no. 1:13-cv-00758) -- Ex Parte Notice

Julie and Jim,

One other thing defendants will request in their motions is reconsideration of the bond amount.

Thanks,

Ryan

Ryan G. Baker

Baker Marquart LLP

Direct: (424) 652-7801

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From: Ryan Baker <rbaker@bakermarquart.com>
Date: Monday, September 9, 2013 7:05 PM
To: "Shepard, Julie A." <JShepard@jenner.com>, "Blackburn, James S." <James.Blackburn@APORTER.COM>
Cc: Scott Malzahn <smalzahn@bakermarquart.com>, Kelly Raney <kraney@bakermarquart.com>
Subject: Fox Television Stations, Inc. v. FilmOn X LLC (case no. 1:13-cv-00758) -- Ex Parte Notice

Julie and Jim,

My clients in the above-referenced case intend to apply to the court, on an *ex parte* basis, for the following relief:

1. Reconsideration by the court of its September 5, 2013 order -- in particular, reconsideration of the geographic scope of the injunctive relief granted.
2. A stay of any injunctive relief pending the outcome of defendants' appeal.

I will serve you with copies of the papers when they are completed. I anticipate filing tomorrow evening or Wednesday morning.

Please indicate whether or not your clients will oppose my clients' applications.

Thanks,

Ryan

Ryan G. Baker

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