

ORIGINAL

STANTON, S.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC.,
COMEDY PARTNERS,
COUNTRY MUSIC TELEVISION, INC.,
PARAMOUNT PICTURES CORPORATION, and
BLACK ENTERTAINMENT TELEVISION LLC,

Plaintiffs,

v.

YOUTUBE, INC., YOUTUBE, LLC, and
GOOGLE INC.

Defendants.

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ECF Case

Case No. 1:07-cv-02103 (LLS)
(Related Case No. 1:07-cv-03582)

STIPULATION AND ORDER

This Stipulation is between Viacom International, Inc., Comedy Partners, Country Music Television, Inc., Paramount Pictures Corporation and Black Entertainment Television LLC (collectively, the "Viacom Plaintiffs"); and YouTube, Inc., YouTube, LLC and Google Inc. (collectively, "Defendants").

WHEREAS Google Inc. ("Google") retained LECG, an expert services company, to consult on a highly confidential business project (the "Google Project") which has now terminated;

WHEREAS Darin Lee, Stephen Foster, Ethan Singer and Tara McGoff are LECG-affiliated professionals and/or employees who have worked on the Google Project (collectively, along with any other LECG-affiliated persons who have worked, work presently or will work in the future on the Google Project, the "LECG Google Team");

WHEREAS the Viacom Plaintiffs have retained LECG to assist them in connection with this litigation against Defendants (the "YouTube Litigation");

WHEREAS the Viacom Plaintiffs notified Defendants of their intention, pursuant to Section 7 of the Amended Stipulated Pre-Trial Protective Order agreed to by the Plaintiffs and Defendants (the "Protective Order"), to disclose documents produced by Defendants in this litigation and designated as "Highly Confidential" to certain LECG-affiliated professionals, retained to assist the Viacom Plaintiffs in this litigation, namely: David Evans, Anne Layne-Farrar and Howard Chang (collectively, along with any other LECG-affiliated persons who have worked, work presently or will work in the future on the YouTube Litigations, the "LECG Viacom Team");

WHEREAS Defendants, pursuant to Section 7 of the Protective Order, have timely objected to the disclosure of such Highly Confidential documents to the LECG Viacom Team and have indicated their intention to move to disqualify LECG from serving in an adverse capacity to Google in this litigation because of LECG's prior receipt of highly confidential information relating to Google's business that could cause it severe prejudice if used against it in the YouTube Litigation; and

WHEREAS the Viacom Plaintiffs and Defendants have agreed to settle their differences with respect to such possible disqualification by means of an appropriate screen to avoid any leakage of the previously disclosed highly confidential information pertaining to Google's business;

NOW THEREFORE IT IS HEREBY STIPULATED AND AGREED by and between the Viacom Plaintiffs and Defendants, through their undersigned counsel, as follows:

1. The LECG Viacom Team shall not directly or indirectly discuss the Google Project or any documents related thereto with anyone at LECG, including but not limited to the LECG Google Team.

2. No documents concerning the Google Project shall be circulated or distributed to the LECG Viacom Team. No documents concerning the YouTube litigation shall be circulated or distributed to the LECG Google Team.

3. Members of the LECG Viacom Team shall not: (a) work on any matter in which Google retains or has retained LECG; (b) knowingly participate in any discussion of any matter in which Google retains or has retained LECG; (c) receive distributions of confidential documents relating to any matter in which Google retains or has retained LECG; or (d) perform work on any other LECG matters with any person who is working on the Google Project during the pendency of this litigation.

4. Members of the LECG Google Team shall not: (a) work on any matter in which Viacom retains or has retained LECG; (b) knowingly participate in any discussion of any matter including but not limited to the YouTube Litigation, in which Viacom retains or has retained LECG; (c) receive distributions of confidential documents relating to any matter in which Viacom retains or has retained LECG; or (d) perform work on any other LECG matters with any person who is working on the YouTube Litigation during the pendency of this litigation.

5. All members of the LECG Viacom Team and the LECG Google Team shall: (i) be provided with a complete list of the persons identified as belonging to each such respective team (which lists shall be updated regularly); and (ii) avoid any contact with such persons, including making good faith efforts to avoid even incidental contact during the pendency of the YouTube Litigation. (For this purpose, "incidental contact" means ordinary social courtesies, limited interaction during the course of LECG social events, and participation in general meetings and like events in which the Google Project is not discussed.)

6. All members of the LECG Viacom Team and the LECG Google Team shall be given a copy of this Stipulation and Order and shall be required to confirm their agreement to abide by it.

7. LECG shall identify the individual or individuals to be responsible for maintaining and supervising this screen.

8. This screen shall continue in place until the parties agree otherwise.

Dated: July 2, 2008

Respectfully submitted,



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Attorneys for Defendants

SO ORDERED:

Louis L. Stanton

Hon. Louis L. Stanton
United States District Judge

July 7, 2008