

ORIGINAL

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 3-4-10

STANTON 15.

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

VIACOM INTERNATIONAL INC.,)	
COMEDY PARTNERS,)	
COUNTRY MUSIC TELEVISION, INC.,)	
PARAMOUNT PICTURES)	
CORPORATION,)	Civil Action No. 07-CV-2103
and BLACK ENTERTAINMENT)	Judge Stanton
TELEVISION LLC,)	
)	
Plaintiffs,)	
)	
v.)	
)	
YOUTUBE, INC., YOUTUBE, LLC, and)	VIACOM PLAINTIFFS' AND
GOOGLE INC.,)	YOUTUBE'S JOINT
)	STIPULATION SUMMARY
)	JUDGMENT
Defendants.)	

Viacom International, Inc. et al v. Youtube, Inc. et al

Doc. 172

IT IS HEREBY STIPULATED AND AGREED by counsel for the above-named parties that the parties' summary judgment motions shall be briefed in accordance with the following schedule and additional understandings:

A. Briefing Schedule for Summary Judgment

The following briefing schedule is predicated on no party submitting an expert declaration in connection with its moving, opposition or reply summary judgment papers. In the event that any party in this action or in the action styled *Premier League et al v. YouTube, Inc. et al.*, Civil Action No. 07-CV-3582 (the "*Premier League Action*") submits an expert declaration in connection with its summary judgment briefing, the briefing schedule set forth in this Stipulation may need to be adjusted. In the event that the summary judgment briefing schedule is so adjusted to account for experts, the schedule in this action shall

be harmonized with that in the *Premier League* Action, and vice versa:

1. Moving briefs shall be filed on or before March 5, 2010.
2. Opposition briefs shall be filed on or before April 30, 2010.
3. Reply briefs shall be filed on or before June 4, 2010.

B. Page Limits for Summary Judgment Briefs

1. The *Viacom* plaintiffs:
 - a) moving brief shall not exceed 65 pages.
 - b) opposition brief shall not exceed 65 pages.
 - c) reply brief shall not exceed 35 pages.
2. YouTube
 - a) YouTube's combined moving brief(s) in the *Viacom* and *Premier League* Actions shall not exceed 100 pages.
 - b) YouTube's combined opposition brief(s) in the *Viacom* and *Premier League* Actions shall not exceed 100 pages.
 - c) YouTube's combined reply brief(s) in the *Viacom* and *Premier League* Actions shall not exceed 55 pages.

In order to minimize duplication and burden on the Court, YouTube's summary judgment brief(s) and related papers in this Action may be consolidated with YouTube's summary judgment brief(s) and related papers submitted in the *Premier League* Action.

C. Other Understandings Related to Summary Judgment

1. No party shall submit an expert declaration in support of its moving brief.

2. No party presently intends to submit an expert declaration in connection with its opposition or reply brief(s).
3. In the event a party decides to submit an expert declaration in connection with its opposition or reply brief(s), that party shall promptly advise the opposing party of its intention to do so by providing the name of the expert to be used and the general subject matter of the expert's declaration.
4. As set forth in the Amended Rule 16(b) Order, the Parties have reserved the right to depose any expert who submits a declaration in connection with a motion for summary judgment filed by the adverse Party on the subject matters stated in such declarations. The parties also reserve the right to depose any fact witness not previously deposed who submits a declaration in connection with a motion for summary judgment filed by the adverse Party on the subject matters stated in such declarations. The Party submitting such an expert or fact witness declaration shall produce the witness for deposition expeditiously upon request.
5. Nothing set forth in this Stipulation shall be used to argue in favor of the propriety or appropriateness of submitting new evidence in connection with any party's summary judgment opposition or reply papers, including the submission of an expert declaration. However, this Paragraph shall have no effect on the scheduling and timing issues addressed in Section A above.

AGREED and STIPULATED

*Attorney for Viacom International Inc.,
Comedy Partners, Country Music
Television, Inc., Paramount Pictures
Corporation, and Black Entertainment
Television, LLC*


February 25, 2010

By: 

AGREED and STIPULATED

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

February 25, 2010

By: 

So Ordered: Louis L. Stanton
U.S.D.J.

3/4/10 ^r