

ORIGINAL

MEMORANDUM

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leave to file the
brief amicus is
granted -
So Ordered.
Louis L. Stanton
5/10/2010

By Hand

Hon. Louis L. Stanton
United States District Judge
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl St.
New York, NY 10007-1312

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

Re: Viacom, Inc., et al. v. Youtube, Inc., et al., 07-Civ-2103 (LLS)

Dear Judge Stanton:

This office represents Directors Guild of America, Screen Actors Guild, American Federation of Television and Radio Artists and International Alliance of Theatrical Stage Employees ("Guilds and Unions"). We write pursuant to Rule 2(A) of Your Honor's Individual Practices to request a pre-motion conference concerning the application of the Guilds and Unions to file an *amicus curiae* brief in support of Plaintiffs. A copy of the brief is attached.

Counsel for both Plaintiffs and Defendants have stated that they have no objection to the filing of the *amicus* brief.

The Guilds and Unions are labor unions that represent artists in the theatrical, motion picture, television, commercial and new media industries. Our *amicus* brief -- which does not address the legal issues in the case and will not be duplicative of other briefing -- aims to provide the Court with insight regarding the real world impact of copyright theft on those who earn their livelihoods in the entertainment industries. The brief explains that as revenues from creative works are diminished or eliminated, so too are the incomes, benefits and jobs of the members of



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the Guilds and Unions. In particular, we explain that the members of the Guilds and Unions rely to a large extent on “residuals” -- deferred compensation based on the continuing use of the creative works on which they were employed. So too do the pension and health plans affiliated with the Guilds and the Unions. The *amicus* brief thus seeks to help the Court better understand the implications of theft and facilitation of theft of copyrighted works.

A copy of this letter has been served by email and first-class mail on the counsel for the Plaintiffs and Defendants.

Respectfully submitted,

/s/ Peter D. DeChiara

Peter D. DeChiara

PDD:
Enclosure

cc: Parties on Service List (by email and first-class mail)

