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DATE: 11/13/09
CASE: 07 Civ. 3582 (LLS)

Memorandum Endorsement

The Football Ass'n Premier League Ltd., et al.
et al., 07 Civ. 3582 (LLS)

On or about October 15, 2009 the fact discovery deadline was moved by agreement to December 18, 2009.

At that time, December 18 was only 64 days away – a fresh delivery of a works-identification would then have been untimely by almost a month. There is no valid argument that the prior actual September 9, 2009 untimely delivery date is the significant one, unless it rests on the notion that the defendants should have started work on the untimely designations then, and continued working on them although they were untimely and the Court so ruled on October 27, 2009 and excluded them. That would have been an extravagant misuse of resources on claims which were never timely brought into the case.

Accordingly there would be no justice in retroactively applying the December 18 fact discovery deadline, leaving the defendants with now only 36 days to work on 198 new works-in-suit and 1548 allegedly infringing video clips.

Plaintiff's motion for reconsideration is granted, and on consideration of the intervening circumstance the Court adheres to the determination that the identification of the additional works-in-suit was untimely, and the claims regarding those works are excluded.

So ordered.

Dated: New York, New York
November 12, 2009

Louis L. Stanton

Louis L. Stanton
U.S.D.J.

The Football Association Premier League Limited et al v. Youtube, Inc. et al

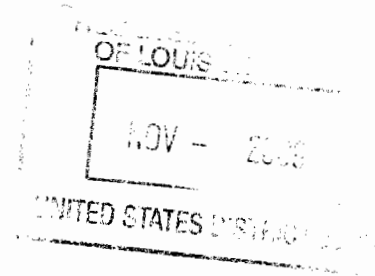
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

THE FOOTBALL ASSOCIATION PREMIER
LEAGUE LIMITED, ET AL., on behalf of
themselves and all others similarly situated,

Plaintiffs,

- against -

YOUTUBE, INC., ET AL.,

Defendants.

Case No.: 07-CV-3582 (LLS)

ECF CASE

**NOTICE OF MOTION FOR
RECONSIDERATION**

PLEASE TAKE NOTICE THAT, upon the accompanying Memorandum, and all prior pleadings and proceedings herein, Named Plaintiff X-Ray Dog Music, Inc. ("XRD") hereby moves this Court, before the Honorable Louis L. Stanton, at the United States Court House, 500 Pearl Street, New York, New York, for reconsideration of the Court's Memorandum Endorsement entered on October 28, 2009 concerning XRD's identifications of works-in-suit and infringing instances of those works, pursuant to Local Civil Rule 6.3 and Fed. R. Civ. P. 59(e) and 60(b), and for such other and further relief as this Court may deem just and proper.

The basis for this motion is that Class Plaintiffs have agreed to Defendants' October 15, 2009 proposal to extend the fact discovery deadline in this case by more than 30 days to December 18, 2009, an intervening event that affects the timing of XRD's identifications of works-in-suit, and that had not occurred at the time of XRD's application to the Court.

PLEASE ALSO TAKE NOTICE THAT, pursuant to Fed. R. Civ. P. 6 and Local Civil Rules 6.1(b) and 6.4, Defendants shall serve any opposing papers by November 20, 2009, and Plaintiffs shall serve any reply papers by November 27, 2009, or as otherwise agreed to by the parties or by order of the Court.

Dated: New York, New York
November 6, 2009

Respectfully submitted,

/s/ Louis M. Solomon

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