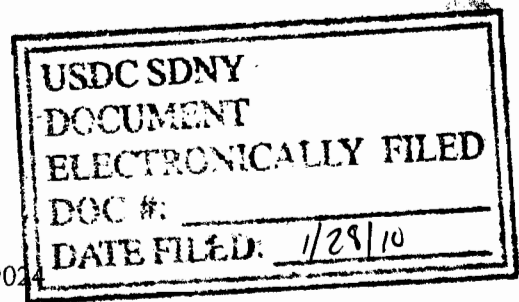


ORIGINAL

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December 28, 2009

HIGHLY CONFIDENTIAL

The Honorable Louis L. Stanton
United States District Court
Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Room 2250
New York, NY 10007

Re: *The Football Ass'n Premier League Ltd, et al. v. YouTube, Inc., et al.*, No. 07-cv-3582

Dear Judge Stanton:

In late November, at the request of Mr. Tur and in accordance with a Stipulation and Order of the Court dated Nov. 16, 2009, I have been acting as special counsel for Mr. Tur solely to review the facts and relevant evidence concerning a leak in connection with an article written by reporter Greg Sandoval. I was selected because I have known Mr. Tur since he was a child and for more than 30 years have represented and counseled him during his illustrious, courageous and frequently awarded career. In addition, I was instrumental in Mr. Tur's decision to dismiss his action against YouTube and to engage Proskauer in the present action. I have been practicing law since 1955 and, although I am sufficiently disciplined to keep my objectivity, it is appropriate that I inform you that his relationship with me is that of a son.

Because I do not have the resources available to the Defendants, as will be more fully explained in the section below entitled My Involvement, I respectfully request that the Court grant me sufficient time to file an appropriate full response to the egregious and false accusations made against Mr. Tur by the Defendants.

Defendants' False Accusations and Deliberate Omissions

The premature request made by the Defendants is riddled with accusations not supported by the evidence, and deliberately fails to inform the Court of exculpatory evidence reported in the forensic studies.

In light of the other demands upon his time, and his status as a fact witness for Mr Tur, there may be questions whether he should act pro hac vice in this case for Mr Tur. In any event, Mr Tur's time to correct his deposition and to respond to the pre-motion conference request is extended to Feb. 1, 2010. So Ordered. Louis L. Stanton
1/14/10

The Football Association of Premier League Ltd, et al. v. YouTube, Inc., et al., No. 07-cv-3582

Doc. 154

[REDACTED]

The following are examples of Defendants' eagerness to impose drastic sanctions before all of the actual facts can be reported to them and the Court:

Example 1: On page 1 of their letter to the Court dated December 23, 2009, beginning at the end of the sixth line of their Requested Relief Against Plaintiff Tur, Defendants state:

“[REDACTED] that on September 14 he spoke with CNET's Sandoval; [REDACTED]

The facts 1: [REDACTED]

[REDACTED] At that very moment, and for a considerable time on September 13th, Mr. Tur was with me and others at a restaurant in Santa Monica, California. I was also with him for most of the afternoon on the 13th and on the morning of the 14th. Photos were taken with Mr. Tur's phone and were forthwith emailed to my email address. Attached as Exhibit 1 are copies of the following September 13th incoming emails to me and the photos attached:

1. 6:23 PM with photo taken by me which includes Mr. Tur, with glasses.
2. 8:32 PM with photo taken by Mr. Tur.
3. 8:36 PM with photo which includes me.

The facts 2: The Deliberate Omissions by Defendants: [REDACTED]

[REDACTED] is intended as proof that Mr. Tur supplied them to Sandoval. It also implies that Sandoval did not have them before September 15th. There is no evidence with respect to when Sandoval received the copy of the transcript and he could have received it from others before then. [REDACTED]

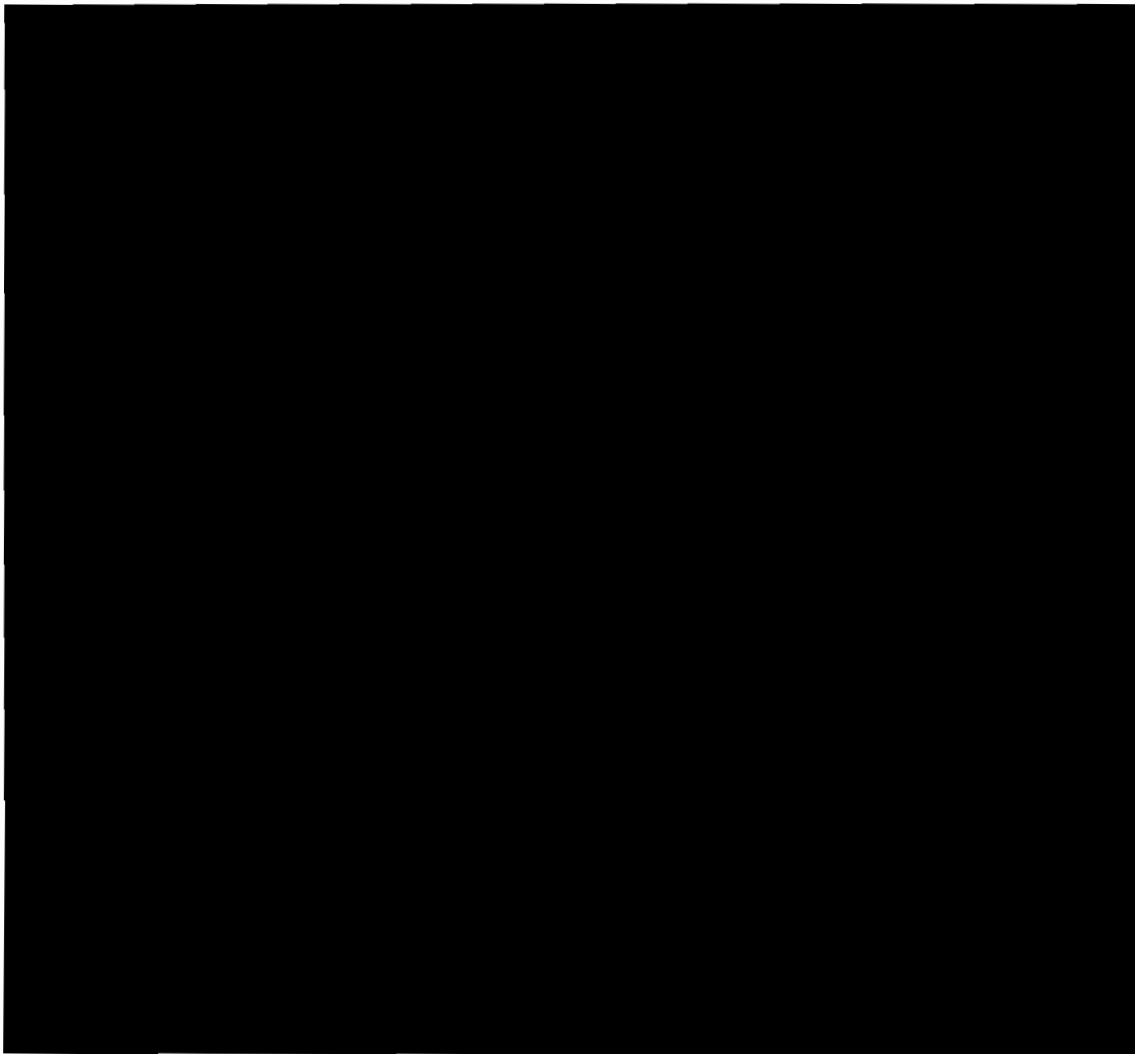
The Honorable Louis L. Stanton
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Page 3

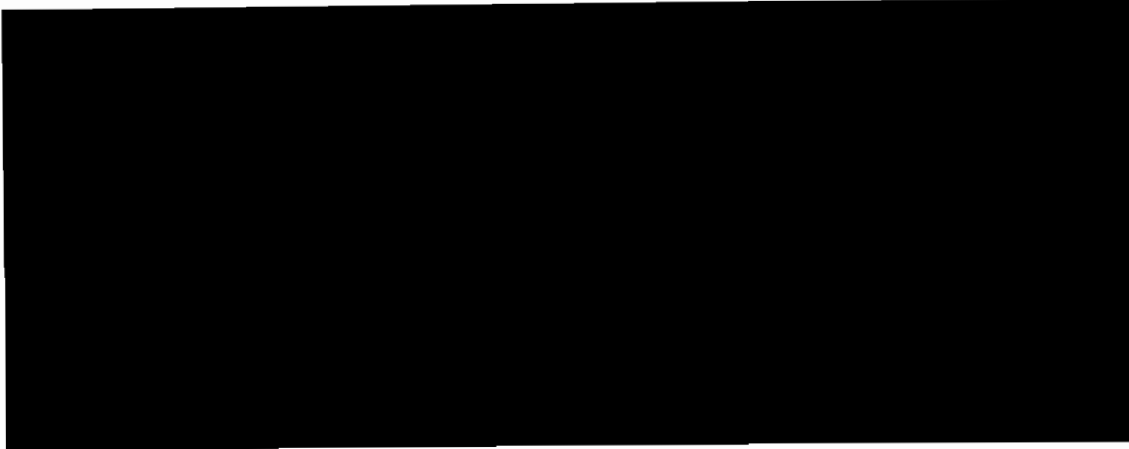
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The conclusion of the Report at Page 17 of 17 (capitalization and darken done by me) states:

A large rectangular black box redacting the text of the report's conclusion.

The other portions of the Report omitted from the letter to the Court are:

A large rectangular black box redacting the other portions of the report omitted from the letter to the Court.



Other Observations



I understand that Mr. Sandoval has stated that there were three sources for his report and receipt of copies of the Schmidt transcript.

I believe that the Defendants have little interest in the alternatives because punishing Mr. Tur for filing the first copyright infringement against YouTube, which encouraged others to do so, by having him sanctioned by eliminating his substantial claims for copyright infringement is the real prize for them.

There is substantial motivation for Defendants to focus on Mr. Tur to the exclusion of others, including disgruntled employees of YouTube, because the reward of the sought sanction against Mr. Tur is measurable in substantial monetary benefit to the Defendants.

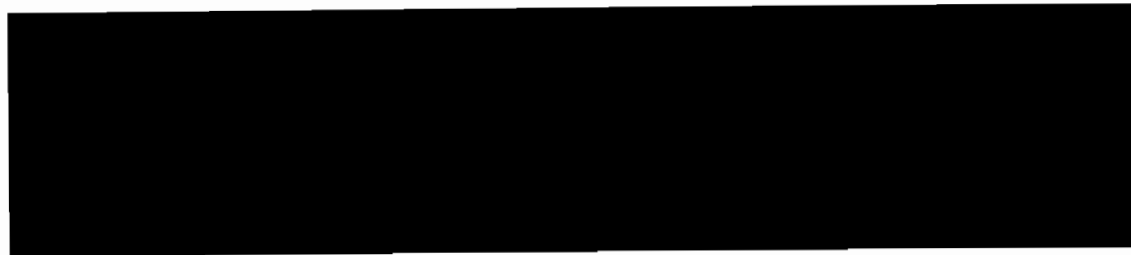

There is no motivation for Mr. Tur to violate the Protective Order and leak the Schmidt transcript to Mr. Sandoval, a person he has never met. As will be shown by my full report, if Mr. Tur was so disposed, he has long time substantial, historical relationships with many other significant reporters with whom he has worked, or have written stories about him in national publications, or who have called upon him as a reporter and as an expert in various media including print and local and national television.

My Involvement

Establishing the truth with respect to the issues related to the leak of the transcripts and a possible violation of the Protective Order should be of great concern to the Court and all of the parties. In particular, a finding of such a violation will have a great and lasting negative future impact on the personal life and career of the person against whom such a finding is made.

I am now a sole practitioner engaged in transactional matters primarily related to real estate. The months of November and December at the end of each year and January of the following year are traditionally my busiest times. Since late in November, demands and requests with respect to this action have more than dominated my time at great personal and professional sacrifice by me.

At the inception of my involvement, I was not aware of the time pressure and extent of demands being made with respect to the matters concerning Mr. Tur and the volume of correspondence and other documents related to the proceedings that had already transpired.



For the balance of this year and the greater portion of January, it is crucial that I attend to the demands of my other clients who have been neglected because of my attention to this matter, so that my services to them may be completed without committing malpractice.

Request

I respectfully request permission of the Court to complete my response to Defendants' request for a pre-motion conference to thirty (30) days after the completion of the deposition of Ms. Gerard or, if Defendants notify me that they waive the taking of Ms. Gerard's deposition, until the later of February 19th or thirty (30) days after receipt of Defendants' notice of waiving the taking of Ms. Gerard's deposition.

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Further, I respectfully request that the time for Mr. Tur to make corrections to his deposition transcript be extended to February 1, 2010.

Respectfully submitted,


Seymour Fagan

Enclosures

cc: Counsel for Defendants
Louis M. Solomon, Esq., Counsel for Plaintiffs
Adam Braun, Esq., Counsel for Marika Gerard

Exhibit 1

Email sent Sunday, September 13, 2009 at 6:23 p.m., with
attached photo taken by Seymour Fagan that includes Mr. Tur,
with glasses.

-----Original Message-----

From: robert tur [REDACTED]

Sent: Sunday, September 13, 2009 6:23 PM

To: Seymour Fagan; [REDACTED]

Subject: Mikebob



ATT00010.txt

Robert Tur
Manager/Flight Ops
[REDACTED]

Email sent Sunday, September 13, 2009 at 8:32 p.m., with
attached photo taken by Mr. Tur.

-----Original Message-----

From: robert tur [REDACTED]

Sent: Sunday, September 13, 2009 8:32 PM

To: [REDACTED] Cartier; Dawn Ferry; Seymour Fagan; robert tur

Subject: Lovers



ATT00016.txt

Robert Tur
Manager/Flight Ops
[REDACTED]

Email sent Sunday, September 13, 2009 at 8:36 p.m., with
attached photo that includes Seymour Fagan.

-----Original Message-----

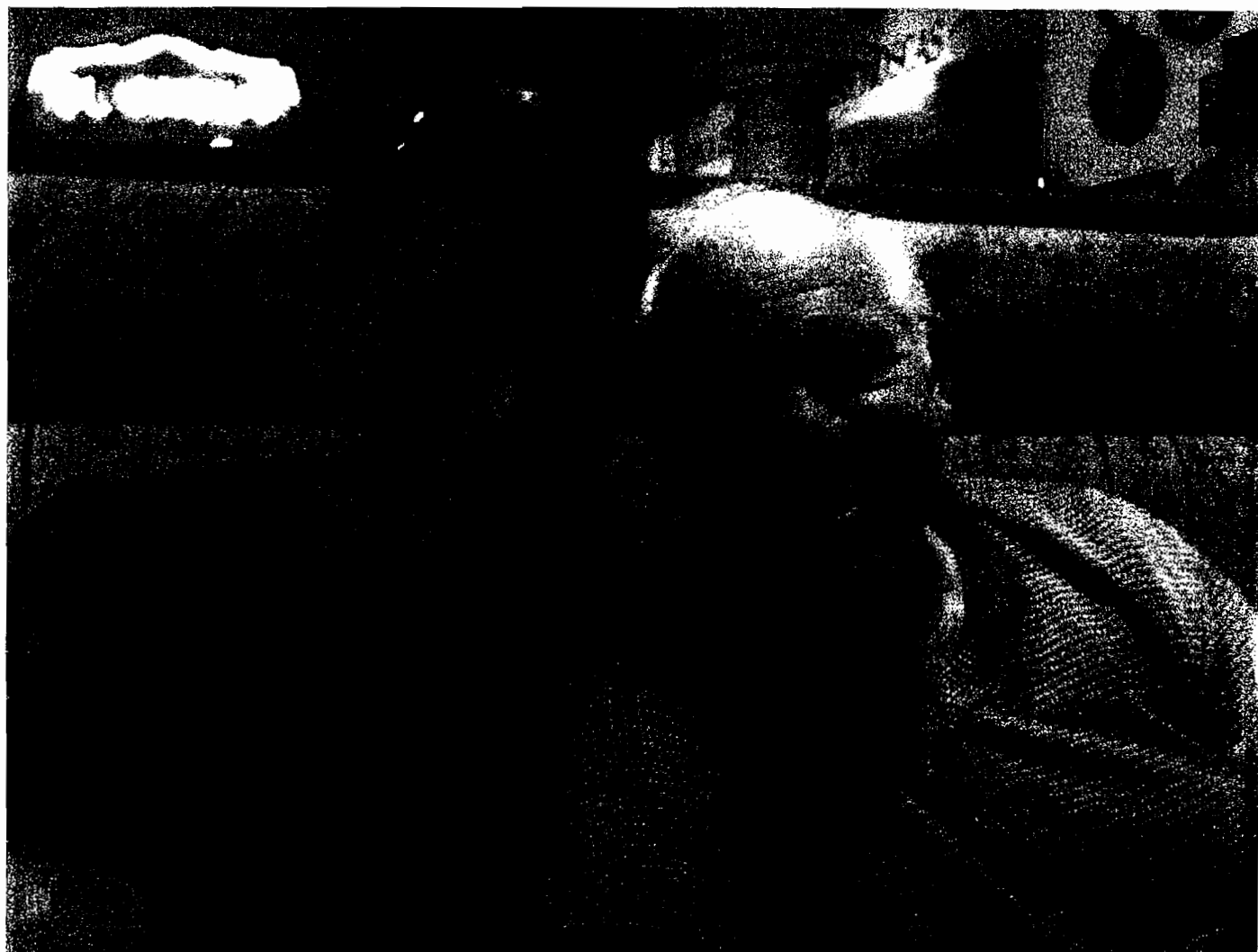
From: robert tur [REDACTED]

Sent: Sunday, September 13, 2009 8:36 PM

To: Seymour Fagan; [REDACTED]

Subject: Michael/ Seymour

Sept. 13, 2009 El Cholo Santa Monica



ATT00022.txt

Robert Tur
Manager/Flight Ops
[REDACTED]