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STANTON 151

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

THE FOOTBALL ASSOCIATION PREMIER)
LEAGUE LIMITED, BOURNE CO. (together with)
its affiliate MURBO MUSIC PUBLISHING,)
INC.), CHERRY LANE MUSIC PUBLISHING)
COMPANY, INC., CAL IV ENTERTAINMENT)
LLC, ROBERT TUR d/b/a LOS ANGELES)
NEWS SERVICE, NATIONAL MUSIC)
PUBLISHERS ASSOCIATION, THE RODGERS)
& HAMMERSTEIN ORGANIZATION, STAGE)
THREE MUSIC (US), INC., EDWARD B.)
MARKS MUSIC COMPANY, FREDDY)
BIENSTOCK MUSIC COMPANY d/b/a)
BIENSTOCK PUBLISHING COMPANY,)
ALLEY MUSIC CORPORATION, X-RAY DOG)
MUSIC, INC., FEDERATION FRANCAISE DE)
TENNIS, THE MUSIC FORCE MEDIA GROUP)
LLC, THE MUSIC FORCE LLC, and)
SINDROME RECORDS, LTD. on behalf of)
themselves and all others similarly situated,)

Plaintiffs,)

v.)

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

Defendants.)

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

Civil Action No. 07-CV-3582
Judge Stanton

PREMIER LEAGUE
PLAINTIFFS' AND
YOUTUBE'S JOINT
STIPULATION REGARDING
CLASS CERTIFICATION
AND SUMMARY JUDGMENT

Doc. 156

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

I. CLASS CERTIFICATION

A. Briefing Schedule for Class Certification

The below briefing schedule is predicated on no party submitting an expert declaration in connection with its moving or, opposition or reply class certification papers. In the event that any party in this action does submit an expert declaration in connection with its class certification

briefing, the briefing schedule set forth in this Stipulation may need to be adjusted.

1. Moving briefs shall be filed on or before March 26, 2010.
2. Opposition briefs shall be filed on or before May 7, 2010.
3. Reply briefs shall be filed on or before June 11, 2010.

B. Page Limits for Class Certification Papers

1. The *Premier League* plaintiffs' opening brief shall not exceed 40 pages.
2. YouTube's opposition brief shall not exceed 65 pages.
3. The *Premier League* plaintiffs' reply brief shall not exceed 45 pages.

C. Other Understandings Related to Class Certification

1. Class Plaintiffs shall not submit an expert declaration in support of their moving brief.
2. No party presently intends to submit an expert declaration or a non-party fact declaration in connection with its opposition or reply brief.
3. Class Plaintiffs may submit a declaration from a claims administrator with their moving brief and agree to identify the claims administrator to Defendants upon deciding to do so. Following submission of their moving papers, Class Plaintiffs will produce or facilitate the production of the claims administrator for deposition expeditiously upon request.
4. As set forth in the amendment to the 16(b) order agreed to by the parties, the parties reserve the right to depose any individual (including any expert) who submits a declaration in connection with the Class Plaintiffs' Motion for Class Certification on the subject matters stated in such declarations, if that declarant had not previously been deposed. The Party submitting such an expert or fact witness declaration shall produce or facilitate the production of 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 class certification 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 I.A. above.

II. SUMMARY JUDGMENT

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 *Viacom International Inc. et al v. YouTube, Inc. et al.*, Civil Action No. 07-CV-2103 (the "*Viacom 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 *Viacom 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 *Premier League* plaintiffs:
 - a) moving brief shall not exceed 35 pages.
 - b) opposition brief shall not exceed 35 pages.
 - c) reply brief shall not exceed 20 pages.

In order to minimize duplication and burden on the Court, the *Premier League* Plaintiffs' summary judgment briefs may incorporate by cross-reference facts and arguments put forward in the summary judgment briefs submitted by the plaintiffs in the *Viacom Action*, to the extent they overlap.

2. YouTube:
 - a) YouTube's combined moving brief(s) in the *Premier League* and *Viacom* Actions shall not exceed 100 pages.

- b) YouTube's combined opposition brief(s) in the *Premier League* and *Viacom* Actions shall not exceed 100 pages.
- c) YouTube's combined reply brief(s) in the *Premier League* and *Viacom* 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 *Viacom* Action.

C. Other Understandings Related to Summary Judgment

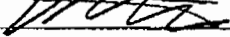
1. No party shall submit an expert declaration in support of its moving brief.
2. No party presently intends to submit an expert declaration in connection with its opposition or reply brief(s).
3. In the event a party decides to submit an expert declaration in connection with its opposition or reply 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 II.A. above.

AGREED and STIPULATED

Attorneys for Lead Plaintiffs The Football Association Premier League Limited and Bourne Co., Named Plaintiffs Murbo Music

*Publishing, Inc., Cherry Lane Music
Publishing Company, Inc., Robert Tur d/b/a
Los Angeles News Service, X-Ray Dog
Music, Inc., Fédération Française de Tennis
and the Prospective Class*


February 25, 2010

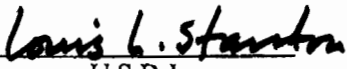
By: 

AGREED and STIPULATED

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

February 25, 2010

By: 

So Ordered: 
U.S.D.J.

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