

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ATLANTIC RECORDING CORPORATION
et al.,

Plaintiffs,

- against -

PROJECT PLAYLIST, INC.,

Defendant.

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CHIN, District Judge

The parties have written to the Court regarding a dispute over a Protective Order. Having reviewed their letters and proposed Protective Orders, I rule as follows:

(1) Plaintiffs' in-house counsel may have access to materials designated "Highly Confidential," but only if (i) they are not involved in competitive decision-making, and (ii) they are involved in decision-making in this litigation. Cf. Infosint S.A. v. H. Lundbeck A.S., No. 06 Civ. 2869 (RLE), 2007 U.S. Dist. LEXIS 36678, at **10-17 (S.D.N.Y. May 16, 2007) (denying plaintiff's attorneys access to "highly confidential" materials on ground that they were involved in "competitive decision-making" vis-a-vis defendant).

(2) The Recording Industry Association of America is not a party to this litigation, and therefore shall not, absent Playlist's express consent, have access to any materials Playlist designates Confidential or Highly Confidential.

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ORDER

08 Civ. 3922 (DC)

(3) Both parties may show "Confidential" materials to their respective officers, directors, and employees deemed necessary by counsel for the furtherance of the litigation, subject to the confidentiality provisions of the Protective Order.

The parties shall submit a Protective Order consistent with this Order within five days.

SO ORDERED.

Dated: New York, New York
July 24, 2009



DENNY CHIN
United States District Judge