Colborn v. Netflix Inc et al Doc. 170

# UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WISCONSIN

## Court Minutes and Order

HEARING DATE: December 17, 2020 JUDGE: Brett H. Ludwig CASE NO.: 19-cv-0484-nhl

CASE NAME: Colborn v. Netflix Inc et al MATTER: Continued Status Conference

APPEARANCES: George Burnett, Michael Griesbach, April Barker, Attorneys for Plaintiff

Andrew Colburn, Plaintiff

James Friedman, Attorney for all Defendants

Matthew Kelly and Leita Walker, Attorneys for Defendant Netflix Inc. Kevin Vick and Jeffrey Payne, Attorneys for Defendants Chrome Media

LLC, Laura Ricciardi, & Moira Demos

TIME: 10:32 a.m. – 11:22 a.m. COURTROOM DEPUTY: Melissa P.

**AUDIO OF THIS HEARING IS AT ECF NO. 169** 

Counsel for the parties reported on the status of the case and their opinions as to how the case should proceed. The court considered four pending matters: (1) Chrome Media, Laura Ricciardi, and Moria Demos's Motion to Dismiss (ECF No. 34); (2) Netflix, Inc.'s Motion to Dismiss (ECF No. 118); (3) Plaintiff's Motion to Compel Initial Disclosures (ECF No. 153); and (4) Lee Levine's Expedited Non-Dispositive Motion for Withdrawal of Counsel (ECF No. 168).

### MOTIONS TO DISMISS

The Court took under advisement the Motion to Dismiss filed by Chrome Media (f/k/a Synthesis Films LLC), Laura Ricciardi, and Moria Demos (ECF No. 34) and the Motion to Dismiss filed by Netflix, Inc. (ECF No. 118).

#### MOTION TO COMPEL INITIAL DISCLOSURES

For the reasons stated on the record, the Court will grant in part Plaintiff's Motion to Compel. (ECF No. 153.) Defendants will be required to provide additional disclosures and responses to any overdue or pending discovery requests within 14 days of the Court's final ruling on the pending motions to dismiss.

### MOTION TO WITHDRAW AS COUNSEL

Due to his upcoming retirement, the Court will grant Mr. Levine's unopposed motion to withdraw as counsel for Netflix. (ECF No. 168.)

**MEDIATION** 

Due to the complexity of the case and the expenses associated with protracted litigation,

the Court will order mediation.

Accordingly, IT IS ORDERED Plaintiff's Motion to Compel Initial Disclosures (ECF

No. 153) is GRANTED in part. Defendants must provide disclosures and responses to any

overdue or pending discovery requests within 14 days of the Court's final ruling on the pending

motions to dismiss.

IT IS FURTHER ORDERED Lee Levine's Expedited Non-Dispositive Motion for

Withdrawal of Counsel (ECF No. 168) is GRANTED. Lee Levine is granted permission to

withdraw and terminate his appearance for defendant Netflix, Inc.

IT IS FURTHER ORDERED, to minimize costly pretrial procedures in a case that may

be equitably settled, and to secure the just, speedy, and inexpensive determination of this action,

all parties shall participate in good faith in mediation. The parties shall provide Notice on the

docket on or before January 4, 2021, regarding whether they intend to retain a private mediator

or agree to have the Court refer the matter to a magistrate judge for the purposes of mediation.

Dated at Milwaukee, Wisconsin this 17th day of December, 2020.

s/ Brett H. Ludwig

BRETT H. LUDWIG

United States District Judge