

1 SCOTT P. COOPER (Cal. Bar No. 96905)
PROSKAUER ROSE LLP
2 2049 Century Park East, Suite 3200
Los Angeles, CA 90067
3 Telephone: (310) 557-2900
Facsimile: (310) 557-2193
4 *Attorneys for the MGM, Fox, Universal, Viacom,*
Disney & NBC Plaintiffs
5

6 ROBERT M. SCHWARTZ (Cal. Bar No. 117166)
O'MELVENY & MYERS LLP
7 1999 Avenue of the Stars, Seventh Floor
Los Angeles, California 90067-6035
8 Telephone: (310) 553-6700
Facsimile: (310) 246-6779
9 *Attorneys for the Time Warner Plaintiffs*

10 ROBERT H. ROTSTEIN (Cal. Bar No. 72452)
McDERMOTT, WILL & EMERY
11 2049 Century Park East, 34th Floor
Los Angeles, CA 90067
12 Telephone: (310) 277-4110
Facsimile: (310) 277-4730
13 *Attorneys for the Columbia Plaintiffs*

14 [Full counsel appearances on signature page]

15 **UNITED STATES DISTRICT COURT**
16 **CENTRAL DISTRICT OF CALIFORNIA**
17

18 PARAMOUNT PICTURES
CORPORATION *et al.*,

19 Plaintiffs,

20 v.

21 REPLAYTV, INC. *et al.*,

22 Defendants.
23

CASE NO. CV 01-9358 FMC (Ex)

Hon. Florence-Marie Cooper

NOTICE OF MOTION FOR THE
COPYRIGHT OWNER PLAINTIFFS'
MOTION FOR PROTECTIVE ORDER

Date: October 15, 2002
Time: 9:00 a.m.
Ctm: 20 (Magistrate
Judge Charles F. Eick)

24
25 AND CONSOLIDATED ACTIONS.
26
27
28

1 TO THE NEWMARK PLAINTIFFS AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE THAT, on Tuesday, October 15, 2002 at
3 9:00 a.m., or as soon thereafter as the matter can be heard in the courtroom of
4 Magistrate Judge Charles F. Eick, located at 312 N. Spring Street, Los Angeles,
5 CA 90012, Courtroom 20, the moving Plaintiffs¹ will move the Court for an Order,
6 pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, stating that the
7 Electronic Frontier Foundation and its attorneys, including but not limited to
8 Cindy A. Cohn, Fred Von Lohman, and Robin D. Gross, be treated in essence as
9 in-house counsel for purposes of the protective order in this case, and therefore
10 precluded from gaining access to documents designated as “Highly Restricted” by
11 the Copyright Owner Plaintiffs or third parties under that protective order, within
12 the specific categories identified below, and as more particularly identified among
13 the parties pursuant to the Stipulation and Order Regarding the Newmark
14 Plaintiffs’ Access to Confidential Information entered by this Court on
15 September 20, 2002:

- 16 (i) The documents produced by the Copyright Owner Plaintiffs in
17 response to Defendants’ requests for documents produced to the
18 Department of Justice concerning the Department’s separate
19 investigations of “Movies.com” and “Movielink” (the “DOJ
20 Documents”);
- 21 (ii) The so-called “Lobbying Documents”;

22 _____
23 ¹ Plaintiffs Time Warner Entertainment Company, L.P. Home Box Office, Warner Bros., Warner Bros.
24 Television, Time Warner Inc., Turner Broadcasting System, Inc., New Line Cinema Corporation, Castle Rock
25 Entertainment, The WB Television Network Partners L.P., Metro-Goldwyn-Mayer Studios Inc., Orion Pictures
26 Corporation, Twentieth Century Fox Film Corporation, Universal City Studios Productions LLLP (formerly
27 Universal City Studios Productions, Inc.), Fox Broadcasting Company, Paramount Pictures Corporation, Disney
28 Enterprises, Inc., National Broadcasting Company, Inc., NBC Studios, Inc., Showtime Networks Inc., UPN
(formerly the United Paramount Network), ABC, Inc., Viacom International Inc., CBS Worldwide Inc., CBS
Broadcasting, Inc., Columbia Pictures Industries, Inc., Columbia Pictures Television, Inc., Columbia TriStar
Television, Inc., and TriStar Television, Inc., collectively referred to hereafter as the “Copyright Owner
Plaintiffs”.

- 1 (iii) The Copyright Owner Plaintiffs' business plans;
2 (iv) Confidential financial documents; and
3 (v) Security and content protection information.

4 Plaintiffs' Motion is being brought pursuant to Local Rule 37 and is
5 supported by the accompanying *Joint Stipulation for the Copyright Owner*
6 *Plaintiffs' Motion for Protective Order*.

7 This Motion is based on this Notice of Motion, the Joint Stipulation for the
8 Copyright Owner Plaintiffs' Motion for Protective Order, the Declarations of
9 Scott P. Cooper and Michael H. Weiss (submitted by the Copyright Owner
10 Plaintiffs in support of this motion) and the Declarations of Cindy A. Cohn and
11 Ira P. Rothken (submitted by the Newmark Plaintiffs in opposition to this motion)
12 filed concurrently herewith, any supplemental briefs filed by the parties, and the
13 oral arguments of counsel.

14
15 DATED: October 2, 2002

16 By: 

17 SCOTT P. COOPER

18 **ROBERT M. SCHWARTZ**
19 **O'MELVENY & MYERS, LLP**
20 Attorneys for Plaintiffs Time Warner
21 Entertainment Company, L.P. Home Box
22 Office, Warner Bros., Warner Bros.
23 Television, Time Warner Inc., Turner
24 Broadcasting System, Inc., New Line Cinema
25 Corporation, Castle Rock Entertainment, and
26 The WB Television Network Partners L.P.

27 **ROBERT H. ROTSTEIN**
28 **MCDERMOTT, WILL & EMERY**
Attorneys for Plaintiffs Columbia Pictures
Industries, Inc., Columbia Pictures Television,
Inc., Columbia TriStar Television, Inc., and
TriStar Television, Inc.

SCOTT P. COOPER
PROSKAUER ROSE LLP
Attorneys for Plaintiffs Metro-Goldwyn-Mayer
Studios Inc., Orion Pictures Corporation,
Twentieth Century Fox Film Corporation,
Universal City Studios Productions LLLP
(formerly Universal City Studios Productions,
Inc.), Fox Broadcasting Company, Paramount
Pictures Corporation, Disney Enterprises, Inc.,
National Broadcasting Company, Inc., NBC
Studios, Inc., Showtime Networks Inc., UPN
(formerly the United Paramount Network),
ABC, Inc., Viacom International Inc., CBS
Worldwide Inc., and CBS Broadcasting, Inc.