

UNITED STATES DISTRICT COURT FOR  
THE MIDDLE DISTRICT OF FLORIDA

CASE NO. 6:14-cv-00542 ORL RDB-DAB

ALTICOR INC. and AMWAY CORP.,

Plaintiffs,

v.

UMG RECORDINGS, INC., CAPITOL  
RECORDS, LLC, SONY MUSIC  
ENTERTAINMENT, and WARNER  
MUSIC GROUP CORP.,

Defendants.

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**DEFENDANTS' MOTION FOR EXTENSION OF TIME TO COMPLY WITH  
ORDER DATED FEBRUARY 10, 2015 AND TO RESET DISCOVERY HEARING**

Defendants, UMG Recordings, Inc., Capitol Records LLC, Sony Music Entertainment, and Warner Music Group Corp. ("the Record Companies"), respectfully request that the Court extend the following deadlines in its Order dated February 10, 2015 (DE 83), as follows:

1. The date on which the Record Companies must file their motion to compel further responses to Plaintiffs' Amended and Supplemental Responses to Document Requests and Interrogatories, served on February 17, 2015, be extended for ten (10) days to March 6, 2015.
2. The date on which the Record Companies must produce a detailed description of the Content ID revenue reports and database information be extended from February 24, 2015, to March 6, 2015.

In support of this request, Defendants state as follows:

- (1) Motion to Compel. Plaintiffs have agreed "not to oppose" the requested extension with respect to the motion to compel.

Plaintiffs served their supplemental and amended responses on the evening of February 17, 2015. A majority of the document requests and interrogatories raised several new objections and unilateral limitations. On Thursday, February 19, counsel for the Record Companies initiated a telephonic meet and confer. The parties also exchanged emails on some of the issues, including a detailed email summarizing the issues sent to counsel for Plaintiffs on February 20 (attached).

At the request of counsel for the Record Companies, on Sunday, February 22, 2015, the parties engaged in an approximately two-hour telephonic meet and confer. During that conference, counsel for Plaintiffs stated that the Record Companies had “misunderstood” the objections. (One response, illustrating some of Plaintiffs’ objections, was discussed at length and is attached.) At the conclusion of the conference, counsel for the Record Companies suggested that the parties extend the due dates for the motion to compel and for the discovery hearing presently set for March 19, 2015 so that the parties can continue to discuss the responses on an individual, case-by-case basis to determine what Plaintiffs agree to provide and what they intend to withhold.

(2) YouTube Information: Pursuant to the Court’s Order, the Record Companies have previously provided a draft of their counterclaims.<sup>1</sup> The Record Companies will also provide, as ordered by the Court, copies of the “YouTube agreements” on February 24, 2015. Plaintiffs have not agreed to the requested extension to provide the Content ID information, even though, given their agreement on the motion to compel, they will not be prejudiced.

The additional time is necessary because, while also dealing with the motion to compel, the Record Companies’ counsel have diligently inquired of the various clients to obtain the

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<sup>1</sup> The Court by Order of February 20, 2015, granted the Record Companies’ Motion to Dismiss three counts (all of the tort claims) in the Amended Complaint.

information necessary to respond. This has required scheduling several communications with each of the Record Companies which, because of confidentiality issues, must be separate and independent. It has become necessary to schedule and discuss these issues with at least two (or more) individuals from each Record Company, as well as with in-house counsel for the Record Companies. Counsel for the Record Companies also had several conversations and emails with counsel for Google pertaining to the Record Companies' obligation to notify Google of the production of any documents or information relating to Content ID. Google requested that the Record Companies confirm their agreement to several conditions, which they now have done. (Counsel for the Record Companies are informed that counsel for Google also has communicated directly with counsel for Plaintiffs with respect to Google's confidentiality concerns and that those discussions are ongoing.) Once finalized, the description to be submitted will have to be checked for accuracy by the relevant personnel and reviewed by in-house counsel for each of the Record Companies. Counsel for the Record Companies have attempted to meet the Court's deadline but it has taken (and will take) more time than anticipated.

WHEREFORE, based on the foregoing, Defendants respectfully request the Court to extend the dates for the filing of Defendants' motion to compel and for Defendants' production of Content ID information as set forth above to March 6, 2015, and to reset the discovery hearing set for March 19, 2015 to March 31, 2015 or April 1, 2015, if the Court is available.

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 3.01(G)**

Undersigned counsel hereby certifies that moving counsel has conferred with opposing counsel as to the relief sought herein and that opposing counsel agrees to the extension of time for the filing of Defendants' motion to compel and to re-setting the discovery hearing, and has an objection to extending the production of Content ID information.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished via ECF to the parties in the attached Service List on this 24th day of February, 2015.

By: /s/Karen L. Stetson

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