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Fox Broadcasting Company, Twentieth Century
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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

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13 FOX BROADCASTING COMPANY,
TWENTIETH CENTURY FOX FILM
14 CORP., and FOX TELEVISION
HOLDINGS, INC.

15 Plaintiffs,

16 v.

17 DISH NETWORK L.L.C. and
18 DISH NETWORK CORP.,

19 Defendants.
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Case No. 12-CV-04529-DMG (SH)

**FOX'S NOTICE OF MOTION TO
COMPEL DISH TO
IMMEDIATELY PRODUCE
DOCUMENTS IT ALREADY
AGREED TO PRODUCE**

F.R.C.P. 37; L.R. 37-2

Date: May 6, 2013

Time: 2:00 p.m.

Courtroom: 550

The Honorable Stephen J. Hillman

[Joint Stipulation, Declaration of David
Singer, Declaration of William Molinski,
Declaration of Seth Freilich, and
Proposed Order filed/lodged concurrently
herewith]

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE THAT** on May 6, 2013, at 2:00 p.m., or as soon
3 there after as the matter may be heard, in Courtroom 550 of the United States
4 District Court for the Central District of California, located at the Edward R.
5 Roybal Federal Building and United States Courthouse, 255 East Temple Street,
6 Los Angeles, CA 90012-3332, before the Honorable Stephen J. Hillman, plaintiffs
7 Fox Broadcasting Company, Twentieth Century Fox Film Corp., and Fox
8 Television Holdings, Inc. (collectively, “Fox”) will and hereby do move the Court
9 for an order pursuant to Rule 37 of the Federal Rules of Civil Procedure and Rule
10 37-2 of the Local Rules of the Central District of California compelling defendants
11 Dish Network L.L.C. and Dish Network Corp. (collectively, “Dish”) to produce
12 relevant documents that Dish has already agreed to produce in response to
13 Plaintiffs’ First Set of Requests for Production within seven (7) days. Specifically,
14 Fox seeks documents that are relevant to its claims and/or Dish’s defenses and
15 responsive to Document Request Nos. 2, 11, 22, 26, 27, 28, 30, 46, 55, 62 and 94.

16 Pursuant to Local Rule 37-1, counsel for Fox and counsel for Dish met and
17 conferred extensively to narrow the issues before presenting their disputes to the
18 Court. As described in detail in the concurrently-filed Declaration of David Singer,
19 counsel began the meet and confer process on November 17, 2012, held an in-
20 person meeting on January 8, 2013, and continued to exchange letters and speak by
21 phone thereafter.

22 Fox initiated its original motion to compel on February 12, 2013 when it
23 served Dish with Fox’s portion of a joint stipulation under Local Rule 37-2 (the
24 “Original Motion to Compel”). In response to Fox’s Original Motion to Compel,
25 Dish agreed to produce all of the requested documents if Fox agreed to withdraw
26 the motion. Fox agreed to withdraw the Original Motion to Compel but cautioned
27 that it would renew the motion if Dish failed to make substantial progress in its
28 document production within 30 days. It has now been 55 days, yet Dish has

1 produced only a single email in response to Fox’s requests. Accordingly, Fox
2 respectfully requests an order compelling Dish to immediately produce all
3 documents and emails responsive to Request Nos. 2, 11, 22, 26, 27, 28, 30, 46, 55,
4 62 and 94.

5 This Motion is based upon this Notice of Motion, as well as the concurrently-
6 filed Joint Stipulation, Declaration of David Singer (and exhibits attached thereto),
7 Declarations of William Molinski and Seth Freilech (and exhibits attached thereto),
8 the pleadings and papers on file in this action, and on such further argument and
9 evidence as the Court may consider.

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DATED: April 15, 2013

JENNER & BLOCK LLP

By /s/ Richard L. Stone
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Attorneys for Plaintiffs
Fox Broadcasting Company,
Twentieth Century Fox Film Corp.,
and Fox Television Holdings, Inc.