

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. CV 12-04529 DMG (SHx) Date September 19, 2012

Title *Fox Broadcasting Company, et al. v. Dish Network LLC, et al.* Page 1 of 2

Present: The Honorable DOLLY M. GEE, UNITED STATES DISTRICT JUDGE

VALENCIA VALLERY

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

Proceedings: IN CHAMBERS—ORDER DENYING *EX PARTE* APPLICATION FOR LEAVE TO FILE BRIEF OF AMICUS CURIAE PUBLIC KNOWLEDGE IN OPPOSITION TO PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION

On September 18, 2012, Public Knowledge, a non-profit public interest 501(c)(3) corporation, sought leave from this Court to file an amicus brief in opposition to Plaintiff’s motion for preliminary injunction. Plaintiff opposes the application. [Doc. #94.] Public Knowledge’s stated mission is to “promote technological innovation, protect the legal rights of all users of copyrighted works, and ensure that emerging copyright and telecommunications policies serve the public interest.” Brief of Amicus Curiae Public Knowledge at 1 (Sep. 18, 2012).

Plaintiff’s motion for a preliminary injunction is set for a hearing on September 21, 2012, just three days after Public Knowledge filed its request. [Doc. #41]. District courts have discretion to accept amicus briefs that “supplement and assist in cases of general public interest, supplement the efforts of counsel, and draw the court’s attention to law that might otherwise escape consideration.” *Community Ass’n for Restoration of Environment (CARE) v. DeRuyter Bros. Dairy*, 54 F. Supp. 2d 974, 975 (E.D. Wash. 1999). In general, amicus briefs are allowed when a party is not represented competently, when amicus has an interest that may be affected by the present case, or when the amicus can offer a unique perspective beyond what the parties can provide. *See Gabriel Tech. Corp. v. Qualcomm Inc.*, No. 08-CV-1992, 2012 WL 849167, *4 (S.D. Cal. Mar. 13, 2012) (citing *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997)).

In light of the extensive briefing and evidence already submitted, the proposed late-filed amicus brief would not assist this Court’s resolution of the present motion. Moreover, allowing the filing of the amicus brief at this late date would deprive Plaintiff of a meaningful opportunity to respond to it prior to the hearing. While Public Knowledge’s mission may diverge from that of the parties, its arguments against Plaintiff’s motion overlap substantially with those of

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 12-04529 DMG (SHx)** Date **September 19, 2012**

Title ***Fox Broadcasting Company, et al. v. Dish Network LLC, et al.*** Page **2 of 2**

Defendant and therefore do not shed additional light on the issues currently before the Court. Should Public Knowledge wish to participate at a later stage of this litigation, it is free to file a timely application to do so at that time.

In light of the foregoing, Public Knowledge's *ex parte* application is **DENIED**.