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CLERK, U.S. DISTRICT COURT
JAN - 8 2007
CENTRAL DISTRICT OF CALIFORNIA
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17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA
19 SOUTHERN DIVISION

20 ECHOSTAR SATELLITE CORP., et al.,
21 Plaintiffs/Counterclaim Defendants,
22 NDS GROUP PLC, NDS AMERICAS,
23 INC., et al.,
24 Defendants/Counterclaim Plaintiffs.

25 Case No.: SA CV 03-950 DOC (JTLx)
26 STIPULATION AND ~~PROPOSED~~
27 ORDER RELATING TO CERTAIN
28 COMPUTER HARD DRIVES

FAXED

29 This Stipulation pertains to certain computer hard drives and other
30 storage devices subject to the Stipulation between plaintiffs EchoStar Satellite Corp.,
31 et al. ("EchoStar"), and Non-Parties DIRECTV, Inc. ("DIRECTV") and Internet
32 Crimes Group, Inc. ("ICG") (collectively the "Parties") that was entered as an Order
33 of this Court on November 30, 2006 (the "Stipulation and Order").

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1 Pursuant to the Stipulation and Order, DIRECTV and ICG made
2 available for copying/forensic imaging by EchoStar any computer hard drives or
3 servers that DIRECTV obtained from alleged pirate Daryl Gray and/or his website,
4 www.pirateden.com. It appears, however, that certain of the hard drive images
5 recovered from Daryl Gray may contain potentially illicit pornographic material.
6 DIRECTV and ICG have notified the appropriate authorities in the United States and
7 Canada regarding this material. Given the nature of this material, the parties are
8 requesting that any copying of these hard drives (or related electronic storage devices)
9 for purposes of this litigation be done under the authority of the Court and pursuant to
10 the following security procedures.

11 THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN
12 THE PARTIES HERETO, SUBJECT TO APPROVAL BY THE COURT, AS
13 FOLLOWS:

14 1. ICG shall, under the Court's authority and at its direction, make a
15 complete forensic image of each of the drives and related storage media described
16 above for purposes of this litigation. ICG shall then lodge these forensic images with
17 the Court under seal. ICG shall do so by no later than January 12, 2007.

18 2. The Court shall, at its discretion, make the above forensic images
19 available to the parties in this case for purposes of this litigation only. Any party
20 wishing to obtain copies of these images may obtain access to them by: (a) notifying
21 the Court's clerk and the other parties at least 5 business days in advance of the date
22 on which the party would like to copy the images; (b) arranging for the copying to be
23 conducted at that party's expense, on-site at the courthouse where the Court is located,
24 under the supervision of Court personnel; and (c) certifying that the copy is being
25 made for purposes of this litigation only. The forensic images shall then be returned
26 to the Court's clerk and remain lodged under seal for the duration of the litigation.

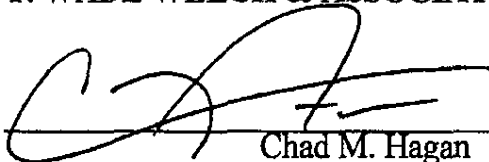
27 3. At the conclusion of the litigation (and any related appeals), the
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1 Court shall direct the destruction of the forensic images made by ICG and deposited
2 with the Court or otherwise direct the disposition of these forensic images at its
3 discretion. Any party having made a copy of such materials during the course of the
4 litigation shall destroy any such copies within thirty (30) days after the conclusion of
5 this litigation (and any related appeals) and shall file a certification with the Court
6 within that time period confirming that (a) any such copies were used by that party for
7 litigation purposes only and (b) that any such copies have now been destroyed.

8 So Stipulated.

9
10 DATED: January 4th, 2006

11 JOSEPH H. BOYLE (*pro hac vice*)
12 CHAD M. HAGAN (*pro hac vice*)
13 T. WADE WELCH & ASSOCIATES

14 

15 Chad M. Hagan
16 Attorneys for Plaintiffs
17 ECHOSTAR SATELLITE CORP. et al.

18 DATED: January 4, 2006

19 LOUIS A. KARASIK
20 MICHAEL J. HARTLEY
21 ERIN L. CURRAN
22 WESTON, BENSHOOF, ROCHEFORT,
23 RUBALCAVA & MacCUISH LLP


24 

25 Michael J. Hartley
26 Attorneys for Non-Parties
27 DIRECTV, INC. and INTERNET CRIMES GROUP,
28 INC.

~~PROPOSED~~ ORDER

IT IS SO ORDERED.

26 DATED: January 5, 2007

27 
28 The Honorable David O. Carter
United States District Court Judge

PROOF OF SERVICE

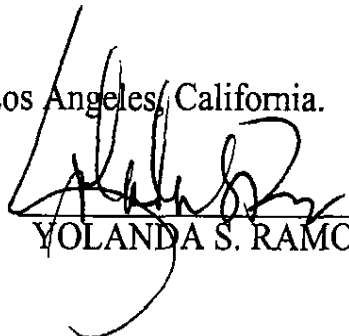
I, Yolanda S. Ramos, declare:

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Sixteenth Floor, Los Angeles, CA 90071. I am over the age of eighteen years and not a party to the action in which this service is made.

On January 4, 2006, I served the document(s) described as **STIPULATION AND [PROPOSED] ORDER RELATING TO CERTAIN COMPUTER HARD DRIVES** on the interested parties in this action by enclosing the document(s) in a sealed envelope addressed as follows:

- BY MAIL: I am "readily familiar" with this firm's practice for the collection and the processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, the correspondence would be deposited with the United States Postal Service at 333 South Hope Street, Los Angeles, California 90071 with postage thereon fully prepaid the same day on which the correspondence was placed for collection and mailing at the firm. Following ordinary business practices, I placed for collection and mailing with the United States Postal Service such envelope at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Los Angeles, California 90071.
- BY FEDERAL EXPRESS UPS NEXT DAY AIR OVERNIGHT DELIVERY: I deposited such envelope in a facility regularly maintained by FEDERAL EXPRESS UPS Overnight Delivery [specify name of service:] with delivery fees fully provided for or delivered the envelope to a courier or driver of FEDERAL EXPRESS UPS OVERNIGHT DELIVERY [specify name of service:] authorized to receive documents at Weston, Benshoof, Rochefort, Rubalcava & MacCuish LLP, 333 South Hope Street, Los Angeles, California 90071 with delivery fees fully provided for.
- BY FACSIMILE: I telecopied a copy of said document(s) to the following addressee(s) at the following number(s) in accordance with the written confirmation of counsel in this action.
- [State] I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
- [Federal] I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 4, 2006, at Los Angeles, California.



YOLANDA S. RAMOS

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ECHOSTAR SATELLITE, et al. v. NDS GROUP, etc., et al.
USDC – Southern District Case No. SA CV 03-950 DOC (JTLx)

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