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15 DIRECTV, INC., and
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NOTE CHANGES MADE BY THE COURT

FILED-SOUTHERN DIVISION
CLERK, U.S. DISTRICT COURT
OCT - 5 2006
CENTRAL DISTRICT OF CALIFORNIA
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10 UNITED STATES DISTRICT COURT
11 CENTRAL DISTRICT OF CALIFORNIA
12 SOUTHERN DIVISION

NOTE CHANGES MADE BY THE COURT

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2006 OCT - 5 PM 3:13
DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

14 ECHOSTAR SATELLITE CORP., et al.,
15 Plaintiffs/Counterclaim Defendants,
16 v.
17 NDS GROUP PLC, NDS AMERICAS,
18 INC., et al.,
19 Defendants/Counterclaim Plaintiffs.

Case No.: SA CV 03-950 DOC (JTLx)

STIPULATION AND ~~PROPOSED~~ ORDER: (1) REGARDING HEARING SCHEDULE AND BRIEFING ON DISCOVERY MOTIONS RELATING TO SUBPOENA SERVED BY PLAINTIFF ON NON-PARTIES DIRECTV, INC. AND INTERNET CRIMES GROUP, INC.; AND (2) GRANTING DIRECTV'S AND ICG'S UNOPPOSED APPLICATION FOR SEAL

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OCT 10 2006
BY [Signature] 024

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28 STIPULATION AND [PROPOSED] ORDER: (1) REGARDING HEARING SCHEDULE AND BRIEFING ON DISCOVERY MOTIONS RELATING TO SUBPOENA SERVED BY PLAINTIFF ON NON-PARTIES DIRECTV, INC. AND INTERNET CRIMES GROUP, INC., AND (2) GRANTING DIRECTV'S AND ICG'S UNOPPOSED APPLICATION FOR SEAL
CASE NO.: SA CV 03-950 DOC (JTLx)

1 This Stipulation pertains to disputes now pending between plaintiffs
2 EchoStar Satellite Corp., et al. ("EchoStar"), and Non-Parties DIRECTV, Inc.
3 ("DIRECTV") and Internet Crimes Group, Inc. ("ICG") (collectively the "Parties").
4 The disputes arise from document subpoenas that EchoStar has served on DIRECTV
5 and ICG. The Parties have met and conferred over a substantial period in an effort to
6 resolve the disputes, but were unable to do so and have therefore each filed certain
7 discovery motions, detailed below. In addition, DIRECTV has filed an Application to
8 File Declarations Under Seal, which Application is unopposed by EchoStar as detailed
9 in this Stipulation.

10 By this Stipulation, the Parties present to the Court for its approval a
11 proposed briefing schedule for hearing of these issues in a manner intended to permit
12 an orderly disposition of the related motions. The Parties' aim is to avoid duplication,
13 consolidate the hearing and briefing and to bring the issues to the Court's attention for
14 decision in a comprehensive manner. In addition, EchoStar stipulates to the granting
15 of DIRECTV's Application for Filing Declarations Under Seal, as provided for below.

16 THEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN
17 THE PARTIES HERETO, SUBJECT TO APPROVAL BY THE COURT, as follows:

18 **Motions At Issue**

- 19 1. The motions and filings subject to this Stipulation are as follows:
20 (a) ICG's Motion to Quash or Modify Subpoena Issued By Plaintiff EchoStar To ICG
21 ("ICG Motion to Quash") (filed October 3, 2006); (b) DIRECTV's Motion to
22 Intervene to Assert Work Product and Privilege Objections to Plaintiff EchoStar's
23 Subpoena to ICG ("DIRECTV Motion to Intervene") (filed October 3, 2006); (c)
24 DIRECTV's Motion to Quash or Modify Subpoena Issued By Plaintiff EchoStar to
25 DIRECTV ("DIRECTV Motion to Quash") (filed October 3, 2006); and (d)
26 EchoStar's Motion to Compel Third-Party DIRECTV's Compliance with Document

1 Subpoena ("EchoStar Motion to Compel") (filed October 5, 2006).

2 **Combined Hearing Date**

3 2. These motions shall be heard together on the same date because of
4 their related subject matter and to avoid unnecessarily duplicative hearings by the
5 Court. The motions shall be heard together on Monday, November ²⁰ 6, 2006 at 8:30
6 a.m., or as soon thereafter as is convenient for the Court. Upon entry of this
7 Stipulation and [Proposed] Order by the Court, the moving party for each motion shall
8 file and serve a notice continuing or otherwise recalendaring its respective motion(s)
9 for the combined hearing date that the Court sets in this Stipulation and [Proposed]
10 Order.

11 **Briefing Format**

12 3. EchoStar's Motion to Compel includes a Joint Stipulation filed by
13 the Parties pursuant to Local Rule 37-2 and briefing for that Motion shall continue to
14 follow the format set forth in that Rule. To promote efficient handling of the issues,
15 the Parties stipulate and agree, and the Court orders, that DIRECTV's and ICG's
16 Motions to Quash shall be submitted with a traditional briefing format – opening
17 brief, opposition brief, and reply brief – in accordance with the briefing schedule set
18 forth below, and without the necessity of filing Joint Stipulations. DIRECTV's
19 Motion to Intervene shall likewise be heard as a noticed motion with opening,
20 opposition and reply briefs as scheduled below.

21 **Briefing Schedule**

22 4. The briefing schedule for the above motions shall be as follows:
23 (1) EchoStar's Opposition Briefs to DIRECTV's and ICG's Motions to Quash, and to
24 DIRECTV's Motion to Intervene, shall be filed and served (by hand, fax, or email) by
25 the close of business on Friday, October 20, 2006; (2) EchoStar's and DIRECTV's
26 Supplemental Memoranda, if any, in connection with EchoStar's Motion to Compel,

1 shall be filed and served (by hand, fax, or email) by the close of business on Monday,
2 October 23, 2006; and (3) DIRECTV's and ICG's Reply Briefs in support of their
3 Motions to Quash and DIRECTV's Reply Brief in Support of the Motion to Intervene
4 shall be filed and served (by hand, fax or email) by the close of business on Monday,
5 October 20, 2006.

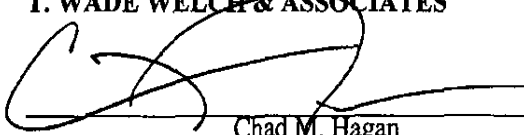
6 **DIRECTV's and ICG's Application for Seal**

7 5. DIRECTV and ICG have also filed an Application To File
8 Declarations Under Seal ("Application for Seal") (filed on October 3, 2006). The
9 declarations at issue are attached to the Notice of Lodgment of Declarations To Be
10 Filed Under Seal that DIRECTV and ICG lodged with the Court concurrently with the
11 filing of their Application for Seal. There are two declarations from James Whalen, a
12 DIRECTV Vice President and head of its Office of Signal Integrity, and one
13 declaration from Jeffrey Bedser, ICG's Chief Operating Officer. The declarations are
14 filed in support of DIRECTV's and ICG's Motions to Quash, and DIRECTV's
15 Motion to Intervene.

16 6. EchoStar hereby stipulates to the granting of DIRECTV's and
17 ICG's Application for Seal, without prejudice to EchoStar's position that particular
18 materials contained, referenced or described in the declarations are subject to
19 discovery by EchoStar in this matter, and without prejudice to EchoStar's position that
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1 particular materials in DIRECTV's or ICG's possession do not qualify as attorney-
2 client privileged, work product or confidential information.

3 DATED: October 5th, 2006 JOSEPH H. BOYLE (*pro hac vice*)
4 CHAD M. HAGAN (*pro hac vice*)
5 T. WADE WELCH & ASSOCIATES

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7 Chad M. Hagan
8 Attorneys for Plaintiffs
9 ECHOSTAR SATELLITE CORP. et al.

10 DATED: October , 2006 LOUIS A. KARASIK
11 MICHAEL J. HARTLEY
12 ERIN L. CURRAN
13 WESTON, BENSHOOF, ROCHEFORT,
14 RUBALCAVA & MacCUISH LLP

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Michael J. Hartley
16 Attorneys for Non-Parties
17 DIRECTV, INC. and INTERNET CRIMES GROUP,
18 INC.

19 ~~PROPOSED~~ ORDER

20 IT IS SO ORDERED.

21 DATED: Oct. 5, 2006
22 
23 The Honorable David O. Carter
24 United States District Court Judge

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27 4
28 STIPULATION AND [PROPOSED] ORDER: (1) REGARDING HEARING SCHEDULE
AND BRIEFING ON DISCOVERY MOTIONS RELATING TO SUBPOENA SERVED
BY PLAINTIFF ON NON-PARTIES DIRECTV, INC. AND INTERNET CRIMES GROUP, INC.;
AND (2) GRANTING DIRECTV'S AND ICG'S UNOPPOSED APPLICATION FOR SEAL
CASE NO.: SA CV 03-950 DOC (JTLx)

1 particular materials in DIRECTV's or ICG's possession do not qualify as attorney-
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3
4 DATED: October __, 2006 JOSEPH H. BOYLE (*pro hac vice*)
CHAD M. HAGAN (*pro hac vice*)
5 T. WADE WELCH & ASSOCIATES

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7 _____
Chad M. Hagan
8 Attorneys for Plaintiffs
ECHOSTAR SATELLITE CORP. et al.

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10 DATED: October 5, 2006 LOUIS A. KARASIK
11 MICHAEL J. HARTLEY
ERIN L. CURRAN
12 WESTON, BENSHOOF, ROCHEFORT,
RUBALCAVA & MacCUISH LLP

13
14 _____
Michael J. Hartley
15 Attorneys for Non-Parties
DIRECTV, INC. and INTERNET CRIMES GROUP,
16 INC.

17
18 **[PROPOSED] ORDER**

19
20 **IT IS SO ORDERED.**

21
22 DATED: _____
23 The Honorable David O. Carter
United States District Court Judge

PROOF OF SERVICE

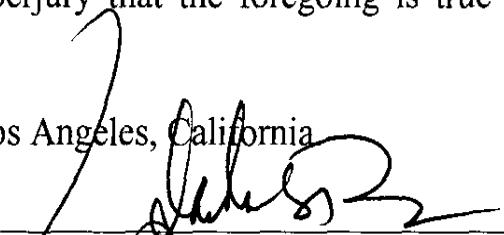
I, Yolanda S. Ramos, declare:

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 October 5, 2006, I served the document(s) described as STIPULATION AND [PROPOSED] ORDER: (1) REGARDING HEARING SCHEDULE AND BRIEFING ON DISCOVERY MOTIONS RELATING TO SUBPOENA SERVED BY PLAINTIFF ON NON-PARTIES DIRECTV, INC. AND INTERNET CRIMES GROUP, INC.; AND (2) GRANTING DIRECTV'S AND ICG'S UNOPPOSED APPLICATION FOR SEAL 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 October 5, 2006, at Los Angeles, California



YOLANDA S. RAMOS

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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