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DENIED
BY ORDER OF
DAVID O. CARTER
UNITED STATES DISTRICT JUDGE
ON DEC 14 2006

Priority
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 JS-5/JS-6
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FILED-SOUTHERN DIVISION
CLERK, U.S. DISTRICT COURT
DEC 14 2006
CENTRAL DISTRICT OF CALIFORNIA
BY *[Signature]*
DEPUTY

Attorneys for Plaintiffs
ECHOSTAR SATELLITE CORP. et al.

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
SOUTHERN DIVISION**

ECHOSTAR SATELLITE
CORP., et al.,

Plaintiffs /
Counterclaim
Defendants

v.

NDS GROUP PLC, NDS
AMERICAS, INC., et. al.,

Defendants /
Counterclaim
Plaintiffs.

No. SA CV 03-950 DOC(JTLx)

PLAINTIFFS' UNOPPOSED
MOTION FOR CONTINUANCE OF
HEARING DATE ON PLAINTIFFS'
MOTION FOR SANCTIONS;

[PROPOSED] ORDER FOR
CONTINUANCE

**Current Hearing Date: December
18, 2006**

Requested Date: To be determined

DOCKETED ON CM
DEC 14 2006
BY *[Signature]* 024

ORIGINAL

PLAINTIFFS' UNOPPOSED MOTION FOR
CONTINUANCE OF HEARING DATE AND
[PROPOSED] ORDER FOR CONTINUANCE

LOGGED

2006 DEC 13 PM 3: 15

[Handwritten signature]
CLERK, U.S. DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
BY

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 PLEASE TAKE NOTICE that Plaintiffs EchoStar Satellite L.L.C. (f/k/a
3 EchoStar Satellite Corporation), EchoStar Technologies Corporation, EchoStar
4 Communications Corporation, and NagraStar LLC (collectively, "EchoStar")
5 hereby move for a continuance of the hearing on EchoStar's Motion for Sanctions
6 Pursuant to the Court's Inherent Authority presently set for 8:30 a.m. on December
7 18, 2006.

8 On November 17, 2006, EchoStar filed Plaintiffs' Motion for Sanctions
9 Pursuant to the Court's Inherent Authority ("Motion for Sanctions"). On December
10 4, 2006, Defendants NDS Group PLC and NDS Americas, Inc. (collectively,
11 "NDS") filed Defendants' Opposition to Plaintiffs' Motion for Sanctions Pursuant
12 to the Court's Inherent Authority ("Opposition"). On December 11, 2006,
13 EchoStar filed a Reply Memorandum in Support of Plaintiffs' Motion for Sanctions
14 Pursuant to the Court's Inherent Authority ("Reply"). A hearing on EchoStar's
15 Sanctions Motion is currently scheduled for 8:30 am, December 18, 2006.

16 As set forth in footnote 1 of EchoStar's Reply, Graham James, a material
17 witness to EchoStar's Motion for Sanctions and a resident of the United Kingdom,
18 is currently in the process of obtaining a travel visa for entry into the United States.
19 (Reply at 2.) Because it appeared unlikely that James would receive those
20 documents prior to the scheduled December 18th hearing date, James agreed to
21 provide telephonic testimony or video-feed testimony if possible. EchoStar has
22 since been informed by the Court that it does not permit telephonic testimony, and
23 that it would be necessary to request a motion for continuance if additional time is
24 needed for James to obtain a travel visa to enter the United States.

25 EchoStar's Motion for Sanctions is largely based on the sworn declaration of
26 James. EchoStar requests a continuance of the hearing date not for purposes of
27 delay but so as to avoid prejudicing its Motion for Sanctions by the absence of live
28

1 testimony from its material witness. No prejudice would result to NDS as a result
2 of a continuance. In fact, NDS's Opposition requested notice of the Court's intent
3 to take live testimony so that two of *its* witnesses from the United Kingdom,
4 Michael Barley and Michael Wright, could make the necessary travel arrangements.
5 (Opp. at 17.)

6 Counsel for EchoStar, Chad Hagan, has conferred with counsel for NDS
7 regarding this motion. Based on the information provided to counsel for NDS by
8 Chad Hagan's email of 4:05 p.m. PST on December 12, 2006, counsel for NDS has
9 indicated that they anticipate filing promptly a statement of non-opposition
10 pursuant to L.R. 7-9(b).

11 WHEREFORE, EchoStar respectfully requests that the hearing on Plaintiffs'
12 Motions for Sanctions Pursuant to the Court's Inherent Authority presently set for
13 December 18, 2006, be continued. It is unknown at this time when Mr. James will
14 receive his travel visa in order to appear before the Court for live testimony.
15 **EchoStar will promptly inform the Court when it receives notice that James's**
16 **travel visa application has been ruled upon so that the hearing may be re-**
17 **scheduled.**

18
19 DATED: December 13, 2006

20 Respectfully submitted,
21 T. WADE WELCH & ASSOCIATES

22
23 By: Chad M. Hagan / vwp
24 T. Wade Welch (*pro hac vice*)
25 Ross W. Wooten (*pro hac vice*)
26 Joseph H. Boyle (*pro hac vice*)
27 David M. Noll (*pro hac vice*)
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ORDER

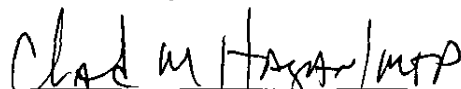
PLEASE TAKE NOTICE that the hearing on Plaintiffs' Motion for Sanctions Pursuant to the Court's Inherent Authority presently set for December 18, 2006 is continued. EchoStar will promptly notify the Court upon receiving notice of the ruling on Graham James' travel visa application to the United States so that the hearing date may be re-scheduled.

Dated: _____



The Honorable David O. Carter
United States District Judge

Submitted by:


T. Wade Welch (pro hac vice)
Ross W. Wooten (pro hac vice)
Joseph H. Boyle (pro hac vice)
David M. Noll (pro hac vice)
Chad M. Hagan (pro hac vice)
T. WADE WELCH & ASSOCIATES

Dated: December 13, 2006

Attorneys for Plaintiffs
ECHOSTAR COMMUNICATIONS
CORPORATION, ECHOSTAR SATELLITE L.L.C.,
ECHOSTAR TECHNOLOGIES CORPORATION,
AND NAGRASTAR L.L.C.

PROOF OF SERVICE BY MAIL

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I am a citizen of the United States and employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 555 South Flower St., 31st Floor, Los Angeles, California 90071-2300. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service.

On December 13, 2006, I placed with this firm at the above address for deposit with the United States Postal Service a true and correct copy of the within document(s):

PLAINTIFFS' UNOPPOSED MOTION FOR CONTINUANCE OF HEARING DATE ON PLAINTIFFS' MOTION FOR SANCTIONS; [PROPOSED] ORDER FOR CONTINUANCE

in a sealed envelope, postage fully paid, addressed as follows:

SEE ATTACHED SERVICE LIST

By U.S. Mail, According to Normal Business Practice. On this date, I sealed the above document(s) in an envelope addressed to the above, and I placed that sealed envelope for collection and mailing following ordinary business practices, for deposit with the U.S. Postal Service. I am readily familiar with the business practice at my place of business for the collection and processing of correspondence for mailing with the U.S. Postal Service. Correspondence so collected and processed is deposited the U.S. Postal Service the same day in the ordinary course of business, postage fully prepaid.

By personal delivery by Beverly Hills Express Attorney Services of the document(s) listed above to the person(s) at the address(es) set forth above.

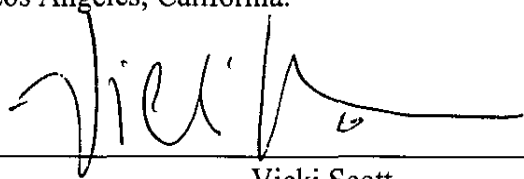
By Facsimile. On this date, I transmitted the above-mentioned document(s) by facsimile transmission machine to the parties and facsimile number set forth above.

By Federal Express Service Carrier. On this date, I sealed the above document(s) in an envelope or package designated by Federal Express, an express service carrier, addressed to the above, and I deposited that sealed envelope or package in a box or other facility regularly maintained by the express service carrier, or delivered that envelope to an authorized courier or driver authorized by the express service carrier to receive documents, located in Los Angeles, California with delivery fees paid or otherwise provided for.

By Electronic Mail Transmission With Attachment. On this date, I transmitted the above-mentioned document(s) by electronic mail transmission with attachment to the parties at the electronic mail transmission address set forth below.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 13, 2006, at Los Angeles, California.



Vicki Scott

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SERVICE LIST

EchoStar Satellite Corporation, et al. v. NDS Group PLC, et al.
United States District Court, Central District of California, Southern Division
Case No. SA CV 03-0950 DOC (ANx)

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