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23 [Full counsel appearances on signature page]

24
25 **UNITED STATES DISTRICT COURT**
26 **CENTRAL DISTRICT OF CALIFORNIA**
27

28 PARAMOUNT PICTURES
CORPORATION *et al.*,

Plaintiffs,

v.

REPLAYTV, INC. *et al.*,

Defendants.

CASE NO. CV 01-9358 FMC (Ex)

Hon. Florence-Marie Cooper

DECLARATION OF SCOTT P.
COOPER IN SUPPORT OF THE
COPYRIGHT OWNER PLAINTIFFS'
MOTION FOR REVIEW AND
RECONSIDERATION OF
MAGISTRATE JUDGE'S
DISCOVERY ORDER

Date: November 25, 2002
Time: 10:00 a.m.
Ctmm: Room 750

AND CONSOLIDATED ACTIONS.

1 I, Scott P. Cooper, declare as follows:

2 1. I am an attorney at law admitted to practice before this Court and am a
3 member of Proskauer Rose LLP, counsel for Copyright Owner Plaintiffs Metro-
4 Goldwyn-Mayer Studios Inc., Orion Pictures Corporation, Twentieth Century Fox
5 Film Corporation, Universal City Studios Productions LLLP (formerly Universal
6 City Studios Productions, Inc.), Fox Broadcasting Company, Paramount Pictures
7 Corporation, Disney Enterprises, Inc., National Broadcasting Company, Inc., NBC
8 Studios, Inc., Showtime Networks Inc., UPN (formerly the United Paramount
9 Network), ABC, Inc., Viacom International Inc., CBS Worldwide Inc., and CBS
10 Broadcasting Inc. I make this declaration of my own personal knowledge except
11 where otherwise stated, and, if called as a witness, I could and would testify
12 competently as set forth below.

13 2. Attached as Exhibit "1" to this declaration is a true and correct copy
14 of the Notice of Motion for the Copyright Owner Plaintiffs' Motion for Protective
15 Order.

16 3. Attached as Exhibit "2" to this declaration is a true and correct copy
17 of the Joint Stipulation For the Copyright Owner Plaintiffs' Motion for Protective
18 Order.

19 4. Attached as Exhibit "3" to this declaration is a true and correct copy
20 of the Declaration of Scott P. Cooper In Support of The Copyright Owner
21 Plaintiffs' Motion for Protective Order.

22 5. Attached as Exhibit "4" to this declaration is a true and correct copy
23 of the Declaration of Michael H. Weiss In Support of The Copyright Owner
24 Plaintiffs' Motion for Protective Order.

25 6. Attached as Exhibit "5" to this declaration is a true and correct copy
26 of the Declaration of Cindy A. Cohn In Support Of Newmark Plaintiffs' Portion of
27
28

1 Joint Stipulation for Access to Documents Produced By The Entertainment
2 Company Plaintiffs.

3 7. Attached as Exhibit "6" to this declaration is a true and correct copy
4 of the Declaration of Ira P. Rothken In Support Of Newmark Plaintiffs' Joint
5 Stipulation For Access to Documents Produced [sic] By Entertainment Company
6 Plaintiffs.

7 8. Attached as Exhibit "7" to this declaration is a true and correct copy
8 of the Supplemental Memorandum In Support Of the Copyright Owner Plaintiffs'
9 Motion For Protective Order; Declaration of Jane Lippman.

10 9. Attached as Exhibit "8" to this declaration is a true and correct copy
11 of the Supplemental Memorandum in Support of Newmark Plaintiffs' Opposition
12 To Entertainment Companies' Motion for Protective Order.

13 10. Attached as Exhibit "9" to this declaration is a true and correct copy
14 of the Motion for Leave To File Brief of Amicus Curiae; and Brief of Amicus
15 Curiae in Opposition To Motion of Copyright Owner Plaintiffs For Protective
16 Order.

17 11. Attached as Exhibit "10" to this declaration is a true and correct copy
18 of the Copyright Owner Plaintiffs' Response to Amicus Brief of Center For
19 Internet & Society, in Support of Motion for Protective Order.

20 12. Attached as Exhibit "11" to this declaration is a true and correct copy
21 of Magistrate Judge Charles F. Eick's order dated October 15, 2002, and entered
22 and served on October 17, 2002, regarding the Copyright Owner Plaintiffs' Motion
23 for Protective Order.

24 13. Attached as Exhibit "12" to this declaration is a true and correct copy
25 of the draft transcript of the October 15, 2002 hearing before Magistrate Judge
26 Charles F. Eick regarding the Copyright Owner Plaintiffs' Motion for Protective
27 Order, received on October 25, 2002. As of October 25, 2002, we were informed
28

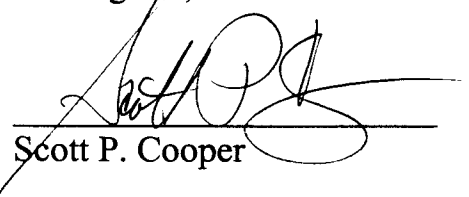
1 by the court reporter that the final hearing transcript is still being proofed. As soon
2 as the final transcript is available, the Copyright Owner Plaintiffs will file a true
3 and correct copy with the Court for consideration in connection with Plaintiffs'
4 Motion for Review and Reconsideration.

5 14. The Copyright Owner Plaintiffs object to and seek review and
6 reconsideration of Magistrate Judge Eick's Order to the extent it pertains to
7 documents and information relating to lobbying, business plans and financial
8 documents and information from 2000 to the present, that the Copyright Owner
9 Plaintiffs have produced to the Replay Defendants.

10 15. The parties have had several discussions regarding the Copyright
11 Owner Plaintiffs' Motion for Review and Reconsideration Of Magistrate Judge's
12 Discovery Order. Those discussions took place periodically from October 16 to
13 October 30, 2002, between Scott Cooper and Michael Weiss of Proskauer Rose
14 LLP and Cindy Cohn, Gwen Hinze and Ira Rothken, counsel for the Newmark
15 Plaintiffs. They resulted in the Stipulation and Order Pending Review and
16 Reconsideration of Ruling on Motion for Protective Order re EFF, but the parties
17 were not able to reach agreement eliminating the need for this Motion.
18

19 I declare under penalty of perjury under the laws of the United States of
20 America that the foregoing is true and correct.

21 Executed this 31st day of October, 2002, in Los Angeles, California.

22
23
24 
Scott P. Cooper