

GIBSON DUNN

Gibson, Dunn & Crutcher LLP

200 Park Avenue
New York, NY 10166-0193
Tel 212.351.4000
www.gibsondunn.com

October 19, 2023

MEMO ENDORSED

VIA ECF

The Honorable Katherine Polk Failla
United States District Court for the Southern District of New York
40 Foley Square
New York, NY 10007

Re: ***A&E Television Networks, LLC v. Big Fish Entertainment, LLC et al., 22-cv-07411***
(S.D.N.Y.)

Dear Judge Failla:

We represent Defendants Big Fish Entertainment LLC, Half Moon Pictures LLC, and ReelzChannel, LLC in this action. We respectfully submit this letter in response to the pre-motion letter filed by Plaintiff on October 16, 2023 regarding discovery in this case.

The parties have met and conferred further, and believe there is no longer a need for a discovery conference. Over the past few weeks, the parties attempted to resolve outstanding discovery issues. Plaintiff asked us to further respond to them by last Friday and we hoped to do so. Unfortunately, despite our best efforts, we could not. Over the past few days, we addressed and are very close to resolving the open issues regarding the custodian and search terms issues described in the letter. Defendants already collected documents from several of Plaintiff's requested custodians and are preparing them for review. And after receiving Plaintiff's letter to the Court, Defendants sent Plaintiff a letter later the same day, apologizing for our delay and addressing most of the issues raised by Plaintiff to date. Since then, the parties have engaged in productive discussions regarding outstanding discovery issues and we are optimistic any disputes can be resolved without the Court's intervention. Defendants are committed to working cooperatively with Plaintiff to move discovery forward expeditiously and to avoid impasses in the coming weeks and months.

To avoid any prejudice to Plaintiff from the delay, Plaintiff has asked us to agree to an extension of the discovery schedule, and we agreed. The parties therefore jointly request an extension of the discovery schedule by two months. With the Court's permission, the parties will promptly file an amended case management plan, setting a deadline of May 3, 2024 for the close of fact discovery and July 31, 2024 for the close of expert discovery.

In light of the above, we do not believe that a discovery conference is necessary. Plaintiff has authorized us to inform the Court that they concur subject to Defendants continued cooperation.

GIBSON DUNN

October 19, 2023

Page 2

We appreciate the Court's patience and its consideration of the parties' request.

Respectfully,

/s/ Jay P. Srinivasan

Jay P. Srinivasan

Cc: All counsel of record (via ECF)

The Court is in receipt of Plaintiff's letter requesting a discovery conference (Dkt. #60) and Defendants' above response (Dkt. #61).

The Court is glad to hear that, since the filing of Plaintiff's letter, the parties have agreed that no discovery conference is necessary, subject to Defendants' continued cooperation.

Nonetheless, when the Court entered the parties' original case management plan and scheduling order on July 24, 2023, the Court warned the parties that "[b]ecause the discovery dates agreed upon by the parties exceed the Court's preferred timeframe for discovery . . . the Court will not look favorably upon extension requests." (Dkt. #51). Accordingly, the Court hereby DENIES Defendants' request for an extension of the discovery schedule by two months. However, the Court will permit the parties to file an amended case management plan and scheduling order extending discovery by one month, with the parties' understanding that no further extensions of the discovery schedule will be granted absent extenuating circumstances. Further, the Court hereby DENIES Plaintiff's request for a discovery conference without prejudice to renew in light of this endorsement.

The Clerk of Court is directed to terminate the pending motion at docket entry 60.

SO ORDERED.

Dated: October 23, 2023
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE