

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN BROADCASTING COMPANIES, INC. ET AL,

Plaintiffs,

-v-

AEREO, INC.,

Defendant,

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WNET ET AL,

Plaintiffs,

-v-

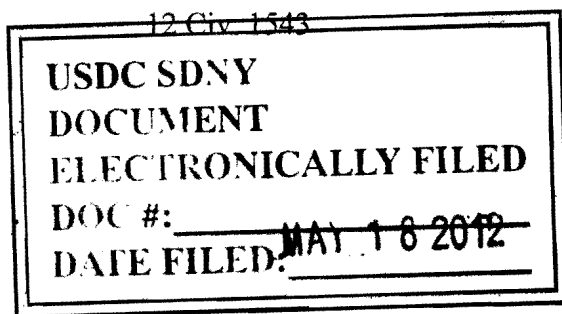
AEREO, INC.,

Defendant,

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12 Civ. 1540 (AJN)

ORDER



ALISON J. NATHAN, District Judge:

The Court adopts the following procedures in advance of the preliminary injunction hearing scheduled for May 30 and 31, 2012:

The hearing will begin at 9:15 am and conclude at 5:30 pm each day. Each side will be given 20 minutes for opening statements. Each side will be given five hours total for presentation of its case and any cross-examination. The Court will hear closing argument from 2:30 pm to 5:30 pm on May 31, 2012, with each side allowed an hour and a half to make their arguments. Plaintiffs' counsel may reserve whatever amount of time they see fit for rebuttal.

The Court will accept direct testimony from each witness live or through that witness's declaration. Parties may call witnesses for direct testimony on some points and rely on their

declarations for other points. Any cross-examination of such a witness may also extend to the matters referenced in that witness's declaration. Cross-examination may be conducted through live testimony or through use of deposition excerpts. However, any deposition excerpts used for cross-examination must be read into the record, and the time spent doing so will be treated equivalently to time spent performing live cross-examination and deducted from that party's allotted five hours.

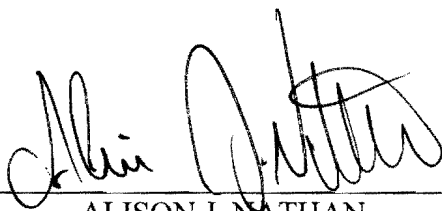
No later than May 25, 2012, the parties shall submit a joint prehearing order which provides the following: (1) each party's witness list, including whether each witness will appear live or by declaration; (2) whether, for each witness on a party's witness list, the opposing party intends to conduct cross-examination through live testimony or by reading deposition excerpts into the record; (3) an exhibit list of all exhibits sought to be admitted; and (4) any objections to the opposing party's exhibits. At the same time that the parties submit these materials, they shall also submit two copies of a three ring binder containing tabbed, pre-marked copies of the exhibits that they seek to put into evidence.

The deadline for Defendant to file their opposition papers is extended to noon, May 19, 2012. The deadline for Plaintiffs to file their reply papers is extended to the end of the day (11:59 pm) on May 23, 2012.

Post-hearing proposed findings of fact and conclusions of law citing to the hearing transcript or record materials shall be submitted by both sides by June 8, 2012. Any objections or responses to a party's post-hearing proposed findings of fact and conclusions of law shall be submitted no later than June 15, 2012.

SO ORDERED:

Dated: May 18, 2012
New York, New York



ALISON J. NATHAN
United States District Judge