

ECF

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:13-cv-01278-LTS**

Cablevision Systems Corporation et al v. Viacom
International Inc. et al
Assigned to: Judge Laura Taylor Swain
Cause: 28:1331 Fed. Question: Anti-trust

Date Filed: 02/26/2013
Jury Demand: Plaintiff
Nature of Suit: 410 Anti-Trust
Jurisdiction: Federal Question

Plaintiff

Cablevision Systems Corporation

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Plaintiff

CSC Holdings, L.L.C.

represented by **Jerome Charles Katz**
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Mariel Goetz
 (See above for address)
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Mark Samuel Popofsky
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V.

Defendant

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Defendant

**Black Entertainment Television
 L.L.C.**

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Date Filed	#	Docket Text
02/26/2013		Case Designated ECF. (laq) (Entered: 02/27/2013)
02/26/2013		Magistrate Judge James L. Cott is so designated. (laq) (Entered: 02/27/2013)
02/26/2013	1	SEALED DOCUMENT placed in vault.(nm) (Entered: 02/28/2013)

02/28/2013	2	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Cablevision Systems Corporation for CSC Holdings, L.L.C.. Document filed by CSC Holdings, L.L.C., Cablevision Systems Corporation.(Katz, Jerome) (Entered: 02/28/2013)
03/04/2013		Minute Entry for proceedings held before Judge Laura Taylor Swain: Case Management Conference held on 3/4/2013, (Case Management Conference set for 3/7/2013 at 10:30 AM in Courtroom 17C, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain.) CONFERENCE held. Defendants affidavit and brief due by 3pm on 3/5/2013. Plaintiffs reply due by 3pm 3/6/2013. A continuation of this conference is scheduled for 3/7/2013 at 10:30am. (lan) (Entered: 03/04/2013)
03/05/2013	3	FILING ERROR - DEFICIENT DOCKET ENTRY - MOTION for Mark S. Popofsky to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8291126. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by CSC Holdings, L.L.C., Cablevision Systems Corporation. (Attachments: # 1 Text of Proposed Order)(Popofsky, Mark) Modified on 3/5/2013 (bcu). (Entered: 03/05/2013)
03/05/2013	4	INITIAL CONFERENCE ORDER: Initial Conference set for 5/17/2013 at 10:00 AM in Courtroom 17C, Daniel Patrick Moynihan U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain. (Signed by Judge Laura Taylor Swain on 3/4/2013) (ft) (Entered: 03/05/2013)
03/05/2013		>>>NOTICE REGARDING DEFICIENT MOTION TO APPEAR PRO HAC VICE. Notice regarding Document No. 3 MOTION for Mark S. Popofsky to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8291126. Motion and supporting papers to be reviewed by Clerk's Office staff.. The filing is deficient for the following reason(s): Missing Certificate of Good Standing. Certificate of Good Standing must be issued by the State Court of California.. Re-file the document as a Corrected Motion to Appear Pro Hac Vice and attach a valid Certificate of Good Standing, issued within the past 30 days. (bcu) (Entered: 03/05/2013)
03/05/2013	5	MEMORANDUM OF LAW <i>in Support of Defendants' Proposed Redactions</i> . Document filed by Black Entertainment Television L.L.C., Viacom International Inc.. (Tringali, Joseph) (Entered: 03/05/2013)
03/05/2013	6	AFFIDAVIT of Denise Denson. Memorandum of Law and Affidavit - REDACTED. in Support re: 5 Memorandum of Law. Document filed by Black Entertainment Television L.L.C., Viacom International Inc.. (Tringali, Joseph) (Entered: 03/05/2013)
03/06/2013	7	MOTION for Mark S. Popofsky to Appear Pro Hac Vice (<i>Corrected</i>). Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by CSC Holdings, L.L.C., Cablevision Systems Corporation. (Attachments: # 1 Text of Proposed Order)(Popofsky, Mark) (Entered: 03/06/2013)
03/06/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 7 MOTION for Mark S. Popofsky to Appear Pro Hac Vice

		(Corrected). Motion and supporting papers to be reviewed by Clerk's Office staff. MOTION for Mark S. Popofsky to Appear Pro Hac Vice (Corrected). Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 03/06/2013)
03/06/2013	8	NOTICE OF CHANGE OF ADDRESS by Mark Samuel Popofsky on behalf of CSC Holdings, L.L.C., Cablevision Systems Corporation. New Address: Ropes & Gray LLP, One Metro Center, 700 12th St, NW, Ste 900, Washington, District of Columbia, USA 20005, (202) 508-4600. (Popofsky, Mark) (Entered: 03/06/2013)
03/07/2013		Minute Entry for proceedings held before Judge Laura Taylor Swain: Case Management Conference held on 3/7/2013. The Court approves the redacted complaint to be filed on the ECF. Plaintiff has until 5:00pm today to filed the redacted complaint. (lan) (Entered: 03/07/2013)
03/07/2013	9	COMPLAINT against Black Entertainment Television L.L.C., Viacom International Inc. (Filing Fee \$ 350.00, Receipt Number not indicated) Document filed by Cablevision Systems Corporation, CSC Holdings, L.L.C. (msa) (Entered: 03/07/2013)
03/11/2013	10	NOTICE OF APPEARANCE by Joseph Frank Tringali on behalf of Black Entertainment Television L.L.C., Viacom International Inc. (Tringali, Joseph) (Entered: 03/11/2013)
03/11/2013	11	RULE 7.1 CORPORATE DISCLOSURE STATEMENT. Identifying Corporate Parent Viacom Inc. for Black Entertainment Television L.L.C., Viacom International Inc.. Document filed by Black Entertainment Television L.L.C., Viacom International Inc..(Tringali, Joseph) (Entered: 03/11/2013)
03/11/2013	12	NOTICE OF APPEARANCE by Peri Lauren Zelig on behalf of Black Entertainment Television L.L.C., Viacom International Inc. (Zelig, Peri) (Entered: 03/11/2013)
03/13/2013	13	MOTION for Mariel Goetz to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8317067. Motion and supporting papers to be reviewed by Clerk's Office staff. Document filed by CSC Holdings, L.L.C., Cablevision Systems Corporation. (Attachments: # 1 VA Certificate of Good Standing, # 2 DC Certificate of Good Standing, # 3 Text of Proposed Order)(Goetz, Mariel) (Entered: 03/13/2013)
03/13/2013		>>>NOTICE REGARDING PRO HAC VICE MOTION. Regarding Document No. 13 MOTION for Mariel Goetz to Appear Pro Hac Vice. Filing fee \$ 200.00, receipt number 0208-8317067. Motion and supporting papers to be reviewed by Clerk's Office staff.. The document has been reviewed and there are no deficiencies. (bcu) (Entered: 03/13/2013)
03/13/2013	14	AFFIDAVIT OF SERVICE of Initial Conference Order on March 13, 2013. Document filed by CSC Holdings, L.L.C., Cablevision Systems Corporation. (Popofsky, Mark) (Entered: 03/13/2013)
03/20/2013	15	

		STIPULATION AND ORDER EXTENDING TIME TO RESPOND TO COMPLAINT: Defendants Viacom International Inc. and Black Entertainment Television LLC (collectively, "Viacom") shall have until and including May 8, 2013 to respond to the Complaint in this action by filing an answer or responsive motion. By agreeing to this stipulation, the parties do not waive and expressly preserve any and all defenses and claims they may have. This Stipulation may be executed in separate counterparts, and counterparts may be executed in facsimile form, each of which shall be an original. Black Entertainment Television L.L.C. answer due 5/8/2013; Viacom International Inc. answer due 5/8/2013. (Signed by Judge Laura Taylor Swain on 3/19/2013) (ft) (Entered: 03/20/2013)
03/22/2013	16	SEALED DOCUMENT placed in vault.(nm) (Entered: 03/22/2013)
04/29/2013	17	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Joseph F. Tringali dated 4/26/2013 re: We are writing to request that we be permitted to file an opening brief not to exceed thirty-five (35) pages. Plaintiffs do not oppose this request as long as they are likewise permitted to file an opposition brief not to exceed thirty-five (35) pages. ENDORSEMENT: The extension requests are granted. (Signed by Judge Laura Taylor Swain on 4/29/2013) (cd) (Entered: 04/30/2013)
05/08/2013	18	MOTION to Dismiss <i>the Complaint</i> . Document filed by Black Entertainment Television L.L.C., Viacom International Inc..(Tringali, Joseph) (Entered: 05/08/2013)
05/08/2013	19	MEMORANDUM OF LAW in Support re: 18 MOTION to Dismiss <i>the Complaint</i> .. Document filed by Black Entertainment Television L.L.C., Viacom International Inc.. (Tringali, Joseph) (Entered: 05/08/2013)
05/08/2013	20	DECLARATION of Joseph F. Tringali (with Exhibits A-K) in Support re: 18 MOTION to Dismiss <i>the Complaint</i> .. Document filed by Black Entertainment Television L.L.C., Viacom International Inc.. (Tringali, Joseph) (Entered: 05/08/2013)
05/10/2013	21	INITIAL REPORT OF PARTIES BEFORE PRETRIAL CONFERENCE. Document filed by Black Entertainment Television L.L.C., CSC Holdings, L.L.C., Cablevision Systems Corporation, Viacom International Inc..(Katz, Jerome) (Entered: 05/10/2013)
05/14/2013	22	ORDER terminating 18 Motion to Dismiss. The Court has received opening papers in a motion to dismiss filed by Defendants in the above-captioned case. The papers do not include a certification pursuant to Paragraph A.2.b. of the Individual Practices Rules of the undersigned. The Court finds that such prior communication is often useful in facilitating settlement, consensual resolution of the subject matter of the motion or, at a minimum, narrowing of issues presented for decision by the Court. It is hereby ORDERED, that this motion is hereby TERMINATED for purposes of the Court's docket, without prejudice to reinstatement upon application, upon notice to adverse parties and accompanied by the requisite certification; it is further ORDERED, that no response to the motion is required unless a reinstatement application is granted, in which case the time to respond of any adverse party will be calculated from the date of

		service of the order of reinstatement and in accordance with Local Civil Rule 6.1 of the United States District Court for the Southern District of New York. (Signed by Judge Laura Taylor Swain on 5/13/2013) (ft) (Entered: 05/14/2013)
05/16/2013	23	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Mark S. Popofsky dated 5/15/2013 re: The parties respectfully request that the Court reinstate the motion and the parties then follow option "(c)," which provides Plaintiffs the opportunity to amend the complaint or oppose the motion. Assuming the Court treats the Pilot Project Rules as applicable, pursuant to Provision B.3 of Your Honor's Individual Rules of Practice, and Paragraph A.4 (c) of the Motion Procedures of the Pilot Project, Cablevision elects to amend its Complaint to address the issues raised by Viacom's motion. Viacom does not oppose Cablevision proceeding with an amendment. The parties accordingly propose the following schedule for the Court's consideration. ENDORSEMENT: The initial pretrial conference is adjourned to September 6, 2013 at 10AM (control date). The dismissal motion remains terminated without prejudice and defendant's time to respond to the complaint is adjourned to August 23, 2013, in anticipation of the filing of an amended complaint in accordance with the schedule set forth above. The above schedule is approved., Black Entertainment Television L.L.C. answer due 8/23/2013; Viacom International Inc. answer due 8/23/2013. (Initial Conference set for 9/6/2013 at 10:00 AM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 5/15/2013) (ft) (Entered: 05/16/2013)
05/16/2013		Set/Reset Deadlines: Amended Pleadings due by 7/12/2013. Responses due by 10/4/2013 (ft) (Entered: 05/21/2013)
07/12/2013	24	SEALED DOCUMENT placed in vault.(nm) (Entered: 07/12/2013)
07/16/2013	25	(REDACTED) AMENDED COMPLAINT amending 9 Complaint against Black Entertainment Television L.L.C., Viacom International Inc. with JURY DEMAND.Document filed by Cablevision Systems Corporation, CSC Holdings, L.L.C. Related document: 9 Complaint filed by CSC Holdings, L.L.C., Cablevision Systems Corporation.(tro) (Entered: 07/17/2013)
08/14/2013	26	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Joseph F. Tringali dated 8/13/2013 re: We are writing to request that we be permitted to file an opening brief not to exceed forty (40) pages. Plaintiffs do not oppose this request as long as they are likewise permitted to file an opposition brief not to exceed forty (40) pages. ENDORSEMENT: The requested page limit extensions are granted. (Signed by Judge Laura Taylor Swain on 8/14/2013) (lmb) (Entered: 08/14/2013)
08/23/2013	27	MOTION to Dismiss <i>the Amended Complaint</i> . Document filed by Black Entertainment Television L.L.C., Viacom International Inc..(Tringali, Joseph) (Entered: 08/23/2013)
08/23/2013	28	MEMORANDUM OF LAW in Support re: 27 MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Black Entertainment Television L.L.C., Viacom International Inc.. (Tringali, Joseph) (Entered: 08/23/2013)
08/23/2013	29	

		DECLARATION of Joseph F. Tringali in Support re: 27 MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Black Entertainment Television L.L.C., Viacom International Inc.. (Attachments: # 1 Exhibit A-M)(Tringali, Joseph) (Entered: 08/23/2013)
08/28/2013	30	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Mark S. Popofsky dated 8/21/2013 re: The parties accordingly propose that the initial pre-trial conference be adjourned to a date later to be set by the Court. (The parties additionally note that September 6, 2013, the second day of Rosh Hashanah, poses difficulties for Cablevision's counsel on account of the religious holiday.). ENDORSEMENT: The conference is adjourned to February 28, 2014, at 2:15 pm and the related deadlines are modified accordingly. (Initial Conference set for 2/28/2014 at 02:15 PM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 8/28/2013) (ft) (Entered: 08/28/2013)
09/16/2013	31	ORDER FOR ADMISSION PRO HAC VICE granting 13 Motion for Mariel Goetz to Appear Pro Hac Vice. (Signed by Judge Laura Taylor Swain on 9/16/2013) (rsh) (Entered: 09/16/2013)
09/16/2013	32	ORDER FOR ADMISSION PRO HAC VICE granting 7 Motion for Mark S. Popofsky to Appear Pro Hac Vice. (Signed by Judge Laura Taylor Swain on 9/16/2013) (rsh) (Entered: 09/16/2013)
10/04/2013	33	MEMORANDUM OF LAW in Opposition re: 27 MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by CSC Holdings, L.L.C., Cablevision Systems Corporation. (Popofsky, Mark) (Entered: 10/04/2013)
10/04/2013	34	DECLARATION of Mark S. Popofsky in Opposition re: 27 MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by CSC Holdings, L.L.C., Cablevision Systems Corporation. (Attachments: # 1 Exhibit A, # 2 Exhibit B) (Popofsky, Mark) (Entered: 10/04/2013)
11/05/2013	35	LETTER addressed to Judge Laura Taylor Swain from Joseph F. Tringali dated November 5, 2013 re: Extension of Page Limit. Document filed by Black Entertainment Television L.L.C., Viacom International Inc..(Tringali, Joseph) (Entered: 11/05/2013)
11/06/2013	36	MEMO ENDORSEMENT on re: 35 Letter filed by Black Entertainment Television L.L.C., Viacom International Inc. ENDORSEMENT: The Page extension request is Granted. SO ORDERED.(Signed by Judge Laura Taylor Swain on 11/05/2013) (ama) (Entered: 11/06/2013)
11/08/2013	37	REPLY MEMORANDUM OF LAW in Support re: 27 MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Black Entertainment Television L.L.C., Viacom International Inc.. (Tringali, Joseph) (Entered: 11/08/2013)
11/08/2013	38	DECLARATION of Peri L. Zelig. Reply Declaration in Further Support of Defendants' Motion to Dismiss Plaintiffs' Amended Complaint (with Exhibits A-D) in Support re: 27 MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by Black Entertainment Television L.L.C., Viacom International Inc.. (Zelig, Peri) (Entered: 11/08/2013)
11/18/2013	39	

		LETTER addressed to Judge Laura Taylor Swain from Mark S. Popofsky dated November 18, 2013 re: Seeking leave to submit a sur-reply in further opposition to the motion to dismiss Cablevision's amended complaint. Document filed by CSC Holdings, L.L.C., Cablevision Systems Corporation.(Popofsky, Mark) (Entered: 11/18/2013)
11/19/2013	40	MEMO ENDORSEMENT on 39 Letter, filed by CSC Holdings, L.L.C., Cablevision Systems Corporation. ENDORSMENT: The request is granted. The surreply must be filed (and a courtesy copy provided for chambers) by 11/27/2013. (Signed by Judge Laura Taylor Swain on 11/19/2013) (cd) (Entered: 11/19/2013)
11/25/2013	41	REPLY MEMORANDUM OF LAW in Opposition re: 27 MOTION to Dismiss <i>the Amended Complaint</i> .. Document filed by CSC Holdings, L.L.C., Cablevision Systems Corporation. (Popofsky, Mark) (Entered: 11/25/2013)
02/21/2014	42	ORDER: The Initial Pre-Trial Conference currently scheduled for February 28, 2014 at 2:15p.m. is hereby re-scheduled to May 16, 2014 at 10:30 a.m. in Courtroom 17-C. SO ORDERED. (Initial Conference set for 5/16/2014 at 10:30 AM in Courtroom 17C, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 2/21/2014) (ama) (Entered: 02/21/2014)
05/12/2014	43	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Joseph F. Tringali dated 5/6/2014 re: Adjournment of initial pre-trial conference. ENDORSEMENT: The conference is adjourned to June 27, 2014, at 10:30 AM. SO ORDERED. (Initial Conference set for 6/27/2014 at 10:30 AM before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 5/12/2014) (ajs) (Entered: 05/12/2014)
06/18/2014	44	ENDORSED LETTER addressed to Judge Laura Taylor Swain from Mark S. Popofsky dated 6/18/2014 re: Request for adjournment of initial pre-trial conference. ENDORSEMENT: The conference is adjourned to August 1, 2014, at 10:00 a.m. and the related deadlines are modified accordingly. The conference will be held in Courtroom 12D. So ordered. (Initial Conference set for 8/1/2014 at 10:00 AM in Courtroom 12D, U.S. Courthouse, 500 Pearl Street, New York, NY 10007 before Judge Laura Taylor Swain.) (Signed by Judge Laura Taylor Swain on 6/18/2014) (rjm) (Entered: 06/19/2014)
06/20/2014	45	MEMORANDUM ORDER. For the reasons in this Memorandum Order, Viacom's motion to dismiss the amended complaint is denied, without prejudice to the parties' positions concerning the propriety and viability of Cablevision's demand for an order requiring Viacom to license only the Core Networks to Cablevision on the terms specified for those Networks and ancillary services in the current agreement. This Order resolves docket entry number 27. Denying 27 Motion to Dismiss. (Signed by Judge Laura Taylor Swain on 6/20/2014) (rjm) (Entered: 06/20/2014)

