

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

THE UNITED STATES OF AMERICA

Plaintiff,

v.

AT&T INC., ET AL,

Defendants.

Case No. 1:17-cv-2511-RJL

**MOTION FOR LEAVE BY CINÉMOI NORTH AMERICA TO FILE
AMICUS CURIAE BRIEF IN SUPPORT OF THE UNITED STATES OF AMERICA**

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CINÉMOI NORTH AMERICA

Movant, Cinémoi North America (“Cinémoi”), requests leave to file as *amicus curiae* a brief in support of the United States of America in this matter. The proposed brief is submitted with this motion. Movant inquired as to whether the parties consent to the filing of this brief. Counsel for the government indicated that it does not oppose. Counsel for AT&T Inc. and Time Warner, Inc. indicated that these defendants oppose. Movant sought consent from counsel for defendant DIRECTV Group Holdings, LLC by an email dated May 18, 2018, at 12:59 AM. Counsel for DIRECTV did not respond to movant’s request.

I. IDENTITY OF AMICUS

Cinémoi is an independent, woman-owned, 24-hour, award-winning television network dedicated to curated films, international lifestyle and green programming. Cinémoi’s mission is to provide programming that is designed to lift the image of women and girls in our society. It is defined by high-quality content that reintroduces American audiences to outstanding vintage and contemporary films, as well as to exotic destinations around the world. Cinémoi is the only cable network owned by a woman.¹ Cinémoi is not affiliated with a broadcast station that enjoys re-transmission consent, it does not control any sports rights, and it is not part of a bundle of fully distributed channels that would increase its leverage against Multichannel Video Programming Distributors (“MVPDs”).

II. MOVANT’S INTEREST

As a small independent television network, Cinémoi’s interest in the instant case is especially strong. Based upon its own industry experience and knowledge, Cinémoi believes that the proposed merger is anticompetitive because it will centralize the power of a combined AT&T

¹ In December 2017, Oprah Winfrey sold a majority interest in the OWN network to Discovery Communications.

and Time Warner entity to control programming content and distribution throughout the United States.

III. THE PROPOSED BRIEF PROVIDES AMICUS'S UNIQUE PERSPECTIVE AND IS RELEVANT TO THE DISPOSITION OF THE CASE

The Court should exercise its broad discretion to permit the filing of Cinémoi's amicus brief because Cinémoi, as a small, independent cable network, has a unique perspective that can help the Court understand the anticompetitive effects of allowing the AT&T/Time Warner merger to proceed. *Nat'l Ass'n of Home Builders v. U.S. Army Corps of Eng'rs*, 519 F. Supp. 2d 89, 93 (D.D.C. 2007) (court has broad discretion to permit filing of amicus briefs); *Hard Drive Prods., Inc. v. Does 1 – 1,495*, 892 F. Supp. 2d 334, 337 (D.D.C. 2012) (amicus participation is appropriate when “the amicus has unique information or perspective that can help the court beyond the help that the lawyers for the parties are able to provide”). “The filing of an *amicus* brief should be permitted if it will assist the judge ‘by presenting ideas, arguments, theories, insights, facts or data that are not to be found in the parties’ briefs.” *Commonwealth of the N. Mar. I. v. United States*, No. 08-1572, 2009 U.S. Dist. LEXIS 125427, *1 (D.D.C. Mar. 6, 2009) (citation omitted).

As an independent cable network, Cinémoi will be directly harmed by the merger and is uniquely positioned to explain the significant damages that will result to small independent networks, their viewers, and the public interest. Accordingly, Cinémoi's position is not adequately represented by any party.

IV. CONCLUSION

To preserve both entrepreneurial and consumer choice, and access to independent television content, Cinémoi urges the Court to grant this motion, allow it to participate in this

action as *amicus curiae* in support of plaintiff United States of America, and accept for filing the attached brief.

Dated: May 18, 2018

Respectfully submitted,

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Counsel for Proposed Amicus
CINÉMOI NORTH AMERICA

CERTIFICATE OF SERVICE

I hereby certify that on May 18, 2018, I filed this motion with the United States District Court for the District of Columbia using the CM/ECF system, which will cause it to be served on all counsel of record.

/s/ Laurence M. Sandell

Laurence M. Sandell