

UNITED STATES DISTRICT COURT CENTRAL DISTRICT OF CALIFORNIA

Monday, April 23, 2018 - Courtroom 9D

THE HONORABLE GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Benjamin D. Hauser Gabe Podesta Katie Thibodeaux Noah C. Ickowitz Javier Gonzalez Court Reporter Law Clerks Courtroom Deputy Clerk 8:00 a.m. 1. (CUSTODY) U.S.A v. CR 17-325-GW 1. Daniel Edward Nersoyan CHANGE OF PLEA (JT 06/12/18) Jennifer K. Weinhold, AUSA x4447 1. Victor Sherman, Ret. 310-399-3259 Stacey R. Fernandez, AUSA x3152 8:30 a.m. 2. CV 17-2790-GW(GJSx) Matthew McGurk v. ConvaTec, Inc., et al. (Removal - 442 CV Jobs / Div / filed 04/12/17 - ADR) POST-MEDIATION STATUS CONFERENCE Jason Christopher Marsili 213-389-6050 Stuart D. Tochner 213-239-9800 Amanda Leigh Pitrof Brianna M. Primozic

| | 8:30 a.m. | | | | | |
|----|---|---|--|--|--|--|
| 3. | CV 16-8773-GW(Ex) Online Flower Search, LLC v. Floralship, Inc., et al. (820 Copyright / FQ / filed 11/23/16 / answer 02/06/17 - ADR) | | | | | |
| | STATUS CONFERENCE | | | | | |
| | Don A. Hernandez 213-596-5620 | Richard R. Rice 760-943-0100 Ivan U. Cisneros 949-825-5590 | | | | |
| | | | | | | |
| 4. | EDCV 16-2218-GW (SPx) Maaco Franchising, LLC v. 5296, Inc., et al. (196 Contract: Franchise / Div / filed 10/20/16 - ADR) | | | | | |
| | SCHEDULING CONFERENCE | | | | | |
| | Robert D. Hunt 949-502-2870 Lawrence J. Hilton 949-636-5480 | Joseph S. Fischbach 310-278-4015 Katherine B.K. Lau | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 5. | CV 16-1968-GW(JEMx) Aardwolf Industries, LLC v. Abaco Machines USA, Inc., et al. (840 Trademark / FQ / filed 03/22/16 - ADR) | | | | | |
| | PRETRIAL CONFERENCE (JT 04/24/18) | | | | | |
| | ENTIFIED OR TIMELY DISCLOSED | | | | | |
| | TRADEMARK COUNTERFEITING OR | | | | | |
| | Eric J. Menhart 855-453-9376 Alan Michael Goldberg 818-921-2226 | Robert J. Lauson 310-726-0892 | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| | 8:30 | a.m. | | | | |
|---|---|--|--|--|--|--|
| 6. | CV 18-1586-GW(Ex) Yakov Litinetsky v. Caliber Home Loans, Inc., et al. (Removal - 220 Foreclosure / Div / filed 02/27/18 - ADR) | | | | | |
| | PLAINTIFF'S MOTION TO REMAND [11] | | | | | |
| | Nicholas H. Van Parys 213-403-1800 | David T. Biderman 310-788-9900 Aaron Robert Goldstein | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| 7. CV 16-8790-GW (Ex) Frank Leitzbach v. Atlas Van Lines, Inc., et al. (Removal - 442 CV Jobs / Div / filed 11/28/16 - ADR) | | | | | | |
| | PLAINTIFF'S MOTION FOR FINAL APPROVAL OF CLASS ACTION SETTLEMENT [58] | | | | | |
| | | TION FOR AWARD OF ATTORNEYS' FEES, CLASS REPRESENTATIVE RD, AND REIMBURSEMENT OF EXPENSES [59] | | | | |
| | Joshua H. Haffner Levi M. Plesset 213-514-5681 | Christopher Archibald 714.800.7900 Evan R. Moses 213-239-9800 | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

| - | |
|----|---|
| | 8:30 a.m. |
| 8. | CV 16-5051-GW(AFMx) ALS Scan, Inc. v. Cloudflare, Inc., et al. (820 Copyright / FQ / filed 07/11/16 - ADR) |
| | PRETRIAL CONFERENCE (JT 04/24/18) |
| | DEFENDANT'S MOTION FOR CLARIFICATION OF MARCH 13, 2018 ORDER, AMENDMENT TO CERTIFY ORDER FOR INTERLOCUTORY APPEAL, AND STAY OF PROCEEDINGS PENDING APPEAL [442] |
| | DEFENDANT STEADFAST NETWORKS, LLC'S DAUBERT MOTION TO EXCLUDE EXPERT REPORT AND TESTIMONY OF DR. SHAHRAM GHANDEHARIZADEH PURSUANT TO FEDERAL RULE OF EVIDENCE 702 [416] |
| | DEFENDANT CLOUDFLARE, INC.'S MOTION TO EXCLUDE EXPERT TESTIMONY OF DR. SHAHRAM GHANDEHARIZADEH PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 37 [426] |
| | DEFENDANT CLOUDFLARE, INC.'S MOTION TO EXCLUDE EXPERT TESTIMONY OF BARBARA LUNA PURSUANT TO FEDERAL RULE OF EVIDENCE 702 AND FEDERAL RULE OF CIVIL PROCEDURE 37 [428] |
| | DEFENDANT STEADFAST NETWORKS, LLC'S MOTIONS IN LIMINE (filed 03/22/18): NO. 1 TO EXCLUDE IMPROPER OPINION TESTIMONY FROM WITNESSES THAT ALS DID NOT DISCLOSE AS EXPERTS [417]; NO. 2 TO EXCLUDE EVIDENCE RELATING TO PROVISION OR TERMINATION OF SERVICES TO HATE GROUPS [418]; NO. 3 TO EXCLUDE EVIDENCE OF NON-COPYRIGHT DISPUTES OR OTHER LITIGATION WHERE CLOUDFLARE WAS NOT A NAMED PARTY [419]; NO. 4 TO EXCLUDE EVIDENCE RELATING TO CONDITIONS OF THE SAFE HARBOR UNDER 17 U.S.C. § 512 TO PROVE LIABILITY [420]; NO. 5 TO EXCLUDE NOTIFICATIONS OF CLAIMED INFRINGEMENT AS EVIDENCE OF INFRINGEMENT [421]; NO. 6 TO EXCLUDE EVIDENCE OF ALS'S COPYRIGHTED WORKS OTHER THAN REGISTERED WORKS IDENTIFIED IN ALS'S INFRINGEMENT CONTENTIONS [422]; NO. 7 TO EXCLUDE NON-COMPLIANT NOTIFICATIONS OF CLAIMED INFRINGEMENT AS EVIDENCE OF KNOWLEDGE [423]; NO. 8 TO EXCLUDE EVIDENCE RELATING TO CHALLENGES IN REPORTING OR COMBATING CLAIMED INFRINGEMENT [424]; NO. 9 TO EXCLUDE EVIDENCE REGARDING "STANDARD TECHNICAL MEASURES" WITHIN THE MEANING OF SECTION 512(I) [425] NO. 10 TO EXCLUDE LATE DISCLOSED WITNESS CHRISTOPHER BOFFOLI [454] NO. 11 TO EXCLUDE ONLINE BROWSING IN THE COURTROOM AS EVIDENCE OR DEMONSTRATIVE ACTIVITY [482] |
| | |

8:30 a.m. ALS Scan, Inc. v. Cloudflare, Inc., et al. CV 16-5051-GW(AFMx) (820 Copyright / FQ / filed 07/11/16 - ADR) PRETRIAL CONFERENCE (JT 04/24/18) - CONTINUED PLAINTIFF'S MOTIONS IN LIMINE (filed 03/22/18; Dkt. No. 412): NO. 1 RE EVIDENCE AND OPINION REGARDING ACTUAL DAMAGES, INCLUDING THE PROPOSED TESTIMONY OF JEFF KINRICH (AGAINST CLOUDFLARE AND STEADFAST); NO. 2 RE EVIDENCE AND ARGUMENT THAT ALS MUST PROVE INDUCEMENT (AGAINST CLOUDFLARE AND STEADFAST): NO. 3 RE EVIDENCE AND ARGUMENT THAT NEITHER CLOUDFLARE NOR STEADFAST CAN BE LIABLE FOR CONTRIBUTORY INFRINGEMENT IF THEY HAVE SUBSTANTIAL NON-INFRINGING OPERATIONS (AGAINST CLOUDFLARE AND STEADFAST): NO. 4 RE EVIDENCE AND ARGUMENT THAT ALS MUST SHOW THAT EACH IMAGE HAS A TERRITORIAL NEXUS (AGAINST CLOUDFLARE): NO. 5 RE EVIDENCE AND ARGUMENT THAT EASTON ERRED IN SUBMITTING INFRINGEMENT NOTICE BY EMAIL (AGAINST CLOUDFLARE); NO. 6 RE EVIDENCE OR ARGUMENT CONCERNING EASTON EMAILS TO PARTIES OTHER THAN CLOUDFLARE OR EASTON (AGAINST CLOUDFLARE AND STEADFAST): NO. 7 RE EVIDENCE OR ARGUMENT CONCERNING WHETHER THE OPERATIONS OF NON-PARTIES CONTRIBUTE TO INFRINGEMENT (AGAINST CLOUDFLARE AND STEADFAST); NO. 8 RE EVIDENCE OR ARGUMENT THAT STEVE EASTON'S EMAILS NEEDED TO COMPLY WITH § 512(C)(3) (AGAINST CLOUDFLARE): NO. 9 RE EVIDENCE OR ARGUMENT THAT SERVICE PROVIDERS OTHER THAN CLOUDFLARE FORM A MODERN TREND TO REQUIRE SUBMISSION THROUGH WEB ABUSE PAGES (AGAINST CLOUDFLARE): NO. 10 RE EVIDENCE OR ARGUMENT CONCERNING APPEARANCE OF SARAH WALSH'S HAND IN PHOTOGRAPHS (AGAINST CLOUDFLARE); NO. 11 RE EVIDENCE OR ARGUMENT CONCERNING WHETHER ALS ENGAGES IN CHILD PORNOGRAPHY (AGAINST CLOUDFLARE): NO. 12 RE EVIDENCE OR ARGUMENT CONCERNING WHETHER ALS'S OPERATIONS ARE ILLEGAL (AGAINST STEADFAST); NO. 13 RE EVIDENCE OR ARGUMENT CONCERNING WHETHER ALS'S OPERATIONS ARE IMMORAL (AGAINST CLOUDFLARE): NO. 14 RE EVIDENCE OR ARGUMENT THAT THE DEFENDANTS CANNOT BE LIABLE WHERE THEIR CUSTOMERS ARE USER UPLOAD SITES (AGAINST CLOUDFLARE AND STEADFAST); NO. 15 RE EVIDENCE OR ARGUMENT THAT ALS'S CLAIMS ARE MITIGATED BY ITS ALLEGED FAILURE TO EMPLOY DIGITAL RIGHTS MANAGEMENT (AGAINST CLOUDFLARE AND STEADFAST); NO. 16 RE EVIDENCE OR ARGUMENT THAT ALS'S CLAIMS FAIL BECAUSE ITS MEMBERS MAY HAVE ILLEGALLY UPLOADED ALS CONTENT (AGAINST CLOUDFLARE AND STEADFAST): NO. 17 RE EVIDENCE OR ARGUMENT THAT ALS'S SHOULD HAVE OR WAS REQUIRED TO NAME FLIXYA AS A DEFENDANT (AGAINST STEADFAST); NO. 18 RE EVIDENCE OR ARGUMENT THAT ALS NEEDED TO STAGE ITS INFRINGEMENT NOTICES OR THAT STEADFAST IS NOT THE "DMCA AGENT" FOR FLIXYA (AGAINST STEADFAST): NO. 19 RE EVIDENCE OR ARGUMENT CONCERNING KARL ZIMMERMAN'S LEGAL RESEARCH AND CONCLUSIONS REGARDING STEADFAST'S POTENTIAL CONTRIBUTORY LIABILITY (AGAINST STEADFAST) Jav M. Spillane 424-217-5980 Andrew Bridges 415-875-2300 Armen Nercess Nercessian Jedediah Wakefield

| | <u> </u> | | | | | | | |
|-----|--|-----------|---------------------------|---|------------|--|--|--|
| | | (| 9:30 a.m. | | | | | |
| 9. | EDCV 06-55-GW(PJWx) United States of America, et al. v. J-M Manufacturing Co., Inc. (890 Other Stat Actn / US Govt Plf / filed 01/17/06) | | | | | | | |
| | DEFENDANT'S MOTION TO SUBSTITUTE EXPERT WITNESS [2439] | | | | | | | |
| | Elizabeth J. Sher 973-966-8214 Susan K. Stewart 775-684-1217 Kirk D. Dillman 213-694-1200 Eric R. Havian 415-836-9000 Harry P. Litman 415-456-2000 Thomas Watson 800-993-4149; 973-966-8229# | | | David M. Bernick 212-6 Paul S. Chan 301-201-2 Camilla M. Eng Marc E. Masters 310-20 Ekwon E. Rhow | 2100 | | | |
| | 10:30 a.m. | | | | | | | |
| 10. | CR 16-721-GW | U.S.A. v. | Trevor Louis | s Carter | (CITATION) | | | |
| | PRELIMINARY REVOCATION OF SUPERVISED RELEASE | | | | | | | |
| | George E. Pence IV, AUSA x2253 Ivan Martinez, USPO 310-215-2467 | | Nadine Hettle, DFPD x7537 | | | | | |
| | | | | | | | | |
| | | | | | | | | |
| | | 1 | 1:00 a.m. | | | | | |
| 11. | CR 16-715-GW | U.S.A. v. | Clive Patrick | k Bowen | (BOND) | | | |
| | STATUS CONFERENCE (JT 05/ | (01/18) | | | | | | |
| | DEFENDANT'S MOTION TO WITHDRAW [58] | | | | | | | |
| | Catherine S. Ahn, AUSA x2424 Veronica M.A. Alegria, AUSA x34 | 193 | | Yehuda Bruck, Ret 305 Fred Minassian, Ret. 81 | | | | |
| | | | | | | | | |