

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

LIBERTY MEDIA HOLDINGS, LLC,

Plaintiff,

v.

SWARM SHARING HASH FILE AE3 et al.,

Defendants.

Civil Action No. 11-cv-10802-WGY

JOINT STATEMENT OF THE PARTIES PURSUANT TO LOCAL RULE 16.1(D)

Pursuant to Rule 16.1(d) of the Local Rules of the United States District Court for the District of Massachusetts and Rule 26(f) of the Federal Rules of Civil Procedure, Plaintiff Liberty Media Holdings, LLC and Defendants Tim Granger, Anant Pavidapha, Larry Son, and Philip Pirello hereby submit this Joint Statement in connection with the Scheduling Conference to be held on March 13, 2012:

1. Proposed Discovery Plan¹

a. No later than March 30, 2012, all parties shall serve their initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) and Local Rule 26.2(a).

b. All fact discovery shall be concluded on or before August 31, 2012².

¹ Pursuant to Local Rule 16.1(D)(1)(b), the parties have considered the desirability of conducting phased discovery and believe the schedule proposed herein will adequately meet the needs of this case.

² Counsel for Tim Granger requests that non-expert discovery conclude in November of 2012 (with dates adjusted) because he feels that the mechanics of litigating this case call for additional time to conduct discovery. While this action has been pending with the Court for a while, the defendants have just entered the suit and have not been exposed to this type of tort action before and note that the substantive merits of this type of bit torrent tort has not been widely litigated Massachusetts or elsewhere.. Further, counsel states that he anticipates that he will be

- c. All non-expert depositions shall be concluded on or before August 31, 2012.
- d. Designation of all expert witnesses, and the information described in Fed. R. Civ.

P. 26(a)(2) concerning each expert, shall be concluded on or before October 31, 2012.

- e. Rebuttal of all expert reports shall be concluded on or before December 31, 2013.
- f. All expert depositions shall be concluded on or before January 31, 2013.
- g. Dispositive motions shall be filed on or before March 29, 2013.
- h. Subject to the Court's schedule, the parties anticipate trial to occur during May 2013.

2. Certification

The certifications required by Local Rule 16.1(d)(3) will be filed on or before March 23, 2012, with the exception that counsel for Defendant Philip Pirello intends to submit its certification today.

3. Trial by Magistrate Judge

The parties do not consent to a trial by a Magistrate Judge at this time.

4. Settlement

Pursuant to Local Rule 16.1(c), the Plaintiff is seeking damages for the alleged copyright infringement of an original motion picture allegedly created and owned by the Plaintiff.

Alternately, the Plaintiff is seeking damages for negligence associated with the defendants allegedly allowing their computer networks to be used for the infringement of Plaintiff's motion picture. Plaintiff is seeking an injunction and statutory or actual damages from the alleged infringement of Plaintiff's copyright.

involved in a trial during most of the month of July of 2012 that would preclude him from participating in discovery during that period.

Defendant Timothy Granger does not expect this case to resolve but would be willing to submit to a mediation before a U.S. Magistrate Judge.

Counsel for Defendant Anant Pavidapha and for the Plaintiff have conferred regarding settlement, and Defendant Pavidapha is requesting a trial by jury on his previously filed counterclaims at this time.

Dated: March 8, 2012

Respectfully submitted,

<p>Plaintiff Liberty Media Holdings, LLC</p> <p><u>/s/Aaron Silverstein</u> Aaron Silverstein (BBO #660716) Saunders & Silverstein LLP 14 Cedar Street, Suite 224 Amesbury, MA 01913 P: 978-463-9130 E: asilverstein@massiplaw.com</p> <p>Attorneys for Plaintiff</p>	<p>DEFENDANT TIMOTHY GRANGER</p> <p><u>/s/Kevin J. O'Leary</u> Kevin J. O'Leary BBO # 559694 Coughlin Betke LLP 175 Federal Street Boston, MA 02110 (617) 988-8050 koleary@coughlinbetke.com</p>
<p><u>/s/ Alexandra C. Fennell</u> Alexandra C. Fennell (BBO# 658692) fennella@pepperlaw.com Pepper Hamilton LLP 15th Floor, Oliver Street Tower 125 High Street Boston, MA 02110-2736 617-204-5100</p> <p>Attorney for Philip Pirello</p>	<p>Anant Pavidapha By his Attorney,</p> <p><u>/s/</u> Edward R. Molari, Esq. BBO#: 675771 185 Devonshire St., STE 302 Boston, MA 02110 Phone: (617) 942-1532 Fax: (815) 642-8351 Email: Edward@moralilaw.com</p>
	<p><u>/s/ Dan N. Tran</u> Dan N. Tran, Esq., B.B.O. # 664074 LAW OFFICE OF DAN N. TRAN 1377 Dorchester Ave., 2nd Floor Dorchester, MA 02122 (617) 825-4849 dtran215@yahoo.com</p> <p>Attorney for Larry Son</p>

CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2012, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via first-class mail to those indicated as non-registered participants.

/s/ Aaron Silverstein
Aaron Silverstein