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10 Attorneys for Plaintiff,
11 Liberty Media Holdings, LLC

12 **IN THE UNITED STATES DISTRICT COURT**
13 **DISTRICT OF NEVADA**

14 Liberty Media Holdings, LLC, a California)
15 Corporation)
16 Plaintiff,)
17 vs.)
18 FF Magnat Limited d/b/a Oron.com; Maxim)
19 Bochenko a/k/a Roman Romanov; and John)
20 Does 1-500,)
21 Defendants.)

Case No.: 2:12-cv-01057

REPLY TO DEFENDANT FF MAGNAT LIMITED'S OPPOSITION TO REQUEST FOR EVIDENTIARY HEARING [ECF 76]

21 Plaintiff Liberty Media Holdings, LLC contests that Defendant FF Magnat Limited's
22 opposition is erroneous in its assertions. FF Magnat Ltd. claims that it has not had sufficient
23 advance notice to prepare for Plaintiff's desire to present witnesses and evidence at the August 9,
24 2012 hearing. To the contrary, dating as far back as June 20, 2012, Plaintiff gave ample notice in
25 its pleadings that it wished to present witnesses with regards to the preliminary injunction. See
26 ECF 2 at 11 ("[I]f the Court is inclined to entertain a request for a bond, then it should hold an
27 evidentiary hearing at which the Defendants should be required to meet their evidentiary burden to
28 prove hardship. A mere request for one, without sworn testimony specifically articulating the

1 alleged harm and an opportunity to cross-examine witnesses, should not be entertained.”); ECF 17
2 at 4 (“[T]he Plaintiff intends to present a witness who can testify to the fact that Oron.com, with its
3 promises of anonymity for its users, is a repository for child pornography, as well as infringing
4 content.”). Defendant was clearly aware of these statements, as it has responded to both of them.
5 Furthermore, Plaintiff only wishes to present witnesses that have already made sworn statements
6 before the Court and witnesses who the Defendant has known about for quite some time. For
7 example: Nate Glass (ECF 17 at 4; footnote three identifies Mr. Glass as the witness referenced
8 above); Peter Phinney (declaration at ECF 22-3, filed on June 29, 2012); and Eric Green
9 (declaration at ECF 66-13, filed on July 23, 2012). Plaintiff makes this request to heighten its
10 ability to explain complex issues to the Court and to ensure full and thorough answers to any
11 inquiries the Court or the Defendants may raise.

12 While Plaintiff will defer to the Court’s wishes on the matter, the Court should not reject
13 Plaintiff’s request because of Defendant FF Magnat’s statements that they were not provided with
14 appropriate notice. Further, the Court is reminded that if the Motion to Enforce Settlement is
15 resolved, the pending hearing will be removed from the calendar and the case itself will be
16 concluded.

17
18 Dated: August 3, 2012

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20 Respectfully Submitted,

21
22 s/Marc J. Randazza

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CERTIFICATE OF SERVICE

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I hereby certify that the foregoing document was filed using this Court's CM/ECF system on August 3, 2012.

Dated: August 3, 2012

Respectfully Submitted,

s/Marc J. Randazza

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