

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 11-10294 MMM (JCGx)	Date	November 13, 2012
Title	<i>Gerald Morawski v. Lightstorm Entertainment Inc., et al.</i>		

Present: The Honorable	Jay C. Gandhi, United States Magistrate Judge
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Beatriz Martinez	CS 11/13/2012	
Deputy Clerk	Court Reporter / Recorder	Tape No.

Attorneys Present for Plaintiffs:

Peter Shimamoto

Attorneys Present for Defendants:

Aaron M. Wais (Defendants & 20th Century)
Robert H. Rtstein (Defendants & 20th Century)
Heiko K. Schultz (Non-Party Walt Disney Co.)

Proceedings: HEARING REGARDING PLAINTIFF’S MOTIONS TO COMPEL AGAINST DEFENDANTS AND 20TH CENTURY FOX FILM CORPORATION

Case called. Appearances made. Parties argue.

The Court reviews confidential “profit participation” document.

Parties reargue.

The Court hears from non-party The Walt Disney Co.

The Court deliberates.

The Court **GRANTS** (1) Plaintiff’s motion to compel against Defendants for damages discovery; and (2) Plaintiff’s motion to compel against third-party Twentieth Century Fox Film Corporation.

The Court articulates its reasons on the record, and also cites its four-page meet-and-confer order of November 1, 2012. [See Dkt. No. 110.]

The Court previously analyzed the issues raised by the motions and the oppositions, including (1) the Ninth Circuit’s decision in *Landsberg v. Scrabble Crossword Games Players, Inc.*, 802 F.2d 1193 (9th Cir. 1986) and its holding regarding lost profits as a measure of damages; (2) the sensitive nature of the documents and their safeguard *via* a protective order; and (3) viable options, if any, to curtail the scope of damages information.

During oral argument, the Court found that the “profit participation” document further buttressed the Court’s conclusion that the scope of production cannot be limited to that document alone, but should

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include the underlying agreements.

Defendants and 20th Century Fox indicate that this Court's rulings on Plaintiff's motions to compel may be appealed to the Hon. Margaret M. Morrow, U.S. District Judge.

Defendants request that the Court not order production of the damages discovery until November 20, 2012, or alternatively November 17, 2012.

Plaintiff's initial expert disclosures are due on November 21, 2012, and November 17, 2012 is otherwise a Saturday.

As a fair accommodation to Defendants' counsel in light of potential objections to the discovery rulings, the Court **ORDERS** that production shall take place **on or before November 16, 2012.**

It is so ordered.

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Initials of Preparer

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