

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AMERICAN BROADCASTING COMPANIES, INC.		:	
ET AL.,		:	
	Plaintiffs,	:	12-cv-1540
		:	
	-v-	:	<u>ORDER</u>
		:	
AEREO, INC.,		:	
	Defendant,	:	
-----X		:	
WNET ET AL.,		:	
	Plaintiffs,	:	12-cv-1543
		:	
	-v-	:	
		:	
AEREO, INC.,		:	
	Defendant,	:	
-----X		:	

ALISON J. NATHAN, District Judge:

On June 25, 2014, the Supreme Court handed down its decision reversing the denial of a preliminary injunction and remanding the case for further proceedings consistent with its opinion. *ABC, Inc. v. Aereo, Inc.*, 573 U.S. ___, 189 L. Ed. 2d 476 (2014). On July 28, 2014, the case was returned to the Second Circuit. Yesterday the Second Circuit vacated this Court’s order denying the preliminary injunction and remanded for further consideration. *See* Dkt. No. 314.

On July 9, 2014, the parties submitted a joint status letter regarding next steps in this litigation in light of the Supreme Court’s decision. Dkt. No. 313. In that letter, Plaintiffs indicate that they will be submitting “a proposed order, consistent with the Supreme Court’s decision, that enjoins Aereo from violating Plaintiffs’ public performance rights.” In the same

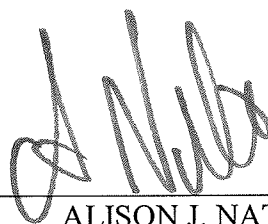
letter, Defendant indicates that it believes the stay of discovery should remain in place until this Court has resolved the injunction issues in connection with the remand; nowhere in that letter does Defendant propose an expedited briefing or that it should be permitted to brief the issues first. In any event, the Court did not yet instruct the parties as to how the preliminary injunction issues would be briefed on remand. As a result, Defendant has jumped the gun in filing, without authorization, its motion for emergency consideration of preliminary injunction issues upon remand. Dkt. Nos. 317-320. The Clerk of Court is directed to strike Docket Numbers 317, 318, 319, and 320.

The Court agrees with Plaintiffs that the appropriate next step is to consider a proposed order consistent with the Supreme Court's decision and the Court directs Plaintiffs to prepare such an order, accompanied by a memorandum of law in support of their position, on or before two weeks from today's date. Defendant's opposition, if any, shall be filed on or before two weeks after receipt of Plaintiffs' proposed order and memorandum of law. Plaintiffs' reply memorandum, if any, shall be filed on or before one week after receipt of Defendant's opposition papers.

With the exception of the above-ordered briefing, the stay of discovery ordered by the Court on January 22, 2014, Dkt. No. 307, shall remain in effect until further order of the Court.

SO ORDERED.

Dated: August 1, 2014
New York, New York



ALISON J. NATHAN
United States District Judge