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12 UNITED STATES DISTRICT COURT
13 FOR THE NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION
15

16 **TELUS Corporation, a foreign**
17 **corporation,**

18 **Plaintiff,**

20 **DENNIS WATSON, an individual,**

21 **Defendant.**

Case No.: C07-3434 (VRW)

**JOINT CASE MANAGEMENT
STATEMENT AND PROPOSED ORDER**

Hearing Date: December 13, 2007
Location: Courtroom 6, 17th Floor
Time: 3:30 p.m.

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23 Pursuant to Local Rule 16-9, TELUS Corporation (“TELUS”), plaintiff in the above-
24 captioned action, and defendant Dennis Watson (“Watson”) jointly submit this Case Management
25 Statement and Proposed Order thereon.

26 **1. JURISDICTION AND SERVICE**

27 The parties agree that this Court has subject matter jurisdiction in this action pursuant to 28
28 U.S.C. §§ 1331, 1332, and 1338. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391

1 and 1400. Watson has consented to personal jurisdiction and no parties remain to be served in this
2 action.

3 **2. FACTS**

4 This is a case for alleged copyright infringement arising from Watson’s posting of certain
5 videos on the California-based video broadcasting website, Youtube.com (“Youtube”).

6 TELUS is a Canadian corporation organized under the laws of British Columbia, Canada.
7 TELUS’s principal place of business is at 3777 Kingsway, Burnaby, British Columbia, Canada.
8 Watson is an individual residing in Surrey, B.C., Canada. He is representing himself *in propria*
9 *persona*.

10 In January 2004, TELUS hosted an internal meeting and a series of videotapes were made
11 of the event (“TELUS videos”). Watson obtained a copy of the videos and subsequently posted a
12 number of those videos on the Youtube website containing images and excerpts from the TELUS
13 videos. Watson did not obtain consent from TELUS, or from anyone on TELUS’ behalf, to
14 reproduce or distribute the video or any portion of the video. On or about June 1, 2007, plaintiff
15 TELUS, pursuant to 17 U.S.C § 512 (c)(3), also known as the Digital Millennium Copyright Act
16 (DMCA), provided notification to Youtube of claimed infringement and Youtube thereafter
17 removed the TELUS video from its website. This action followed.

18 Watson filed an answer to TELUS’ complaint no or about July 24, 2007. At this stage, it
19 does not appear that there is a dispute as to any material fact and, accordingly, the case should be
20 suited to resolution by judgment on the pleadings or summary judgment.

21 **3. LEGAL ISSUES**

22 TELUS alleges that Watson has violated 17 U.S.C § 101 et. seq. and the Copyright Act,
23 Revised Statutes of Canada (“R.S.C.”) 1985, c. C-42. At this stage, it does not appear that there is
24 any dispute as to the legal issues in this case and Watson has not pled any cognizable affirmative
25 defense to these claims.

26 **4. MOTIONS**

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1 TELUS anticipates that it will file a motion for judgment on the pleadings and/or a motion
2 for summary judgment.

3 **5. AMENDMENT OF PLEADINGS**

4 At this time, the parties do not contemplate amendments to the pleadings.

5 **6. EVIDENCE PRESERVATION**

6 The parties have discussed the need to preserve evidence relevant to the issues in this case
7 and have taken appropriate steps. These steps include, but are not limited to, saving electronic and
8 hard copy versions of relevant e-mails, voicemails, and any other relevant documents and
9 communications.

10 **7. INITIAL DISCLOSURES**

11 As of the preparing of this joint report, the parties have not yet exchanged initial
12 disclosures, but intend to fully and timely comply with the requirements of Fed. R. Civ. P. 26.

13 **8. DISCOVERY**

14 No discovery has been taken to date. The parties anticipate that the necessary discovery
15 can be completed within the limits prescribed by the Federal Rules of Civil Procedure

16 **9. CLASS ACTIONS**

17 This case is not a class action.

18 **10. RELATED CASES**

19 The parties are not aware of any related cases.

20 **11. RELIEF REQUESTED**

21 TELUS seeks a preliminary and permanent injunction enjoining and restraining Watson
22 and all persons acting in concert with him from manufacturing, reproducing, distributing, adapting,
23 displaying, advertising, promoting, offering for sale/or selling, any materials that are substantially
24 similar to the copyrighted work, and to deliver to the Court for destruction or other reasonable
25 disposition all such materials and means for producing same in Watson's possession or control.
26 TELUS also seeks recovery of any damages it has sustained as a result of Watson's acts of
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1 copyright infringement, in an amount to be determined. Finally, TELUS seeks reasonable
2 attorneys' fees and costs for this action, and any such other relief deemed just and proper.

3 Watson seeks to have the previously posted videos and images re-listed on Youtube and
4 that TELUS' complaint be dismissed and costs awarded in favor of Watson.

5 **12. SETTLEMENT AND ADR**

6 Pursuant to ADR L.R. 3-4, the parties have selected an early settlement conference with a
7 Magistrate Judge.

8 **13. CONSENT TO MAGISTRATE JUDGE**

9 On August 16, 2007, TELUS filed its Declination To Proceed Before A Magistrate Judge,
10 at which time this case was reassigned to the Honorable Vaughn R. Walker.

11 **14. OTHER REFERENCES**

12 At this time, the parties do not believe that this case is suitable for reference to binding
13 arbitration, a special master, or the Judicial Panel on Multidistrict litigation.

14 **15. NARROWING OF ISSUES**

15 TELUS expects that the issues may be resolved or, at a minimum narrowed, through the
16 contemplated motions described in No. 4 above.

17 **16. EXPEDITED SCHEDULE**

18 The parties do not believe this case should be handled on an expedited schedule.

19 **17. SCHEDULING**

20 The parties tentatively propose a trial date of March 2009, a discovery cut-off date of
21 November 30, 2008, and a deadline for filing dispositive motions of January 15, 2009.

22 **18. TRIAL**

23 The parties anticipate a bench trial of approximately 3 to 5 days.

24 **19. DISCLOSURE OF NON-PARTY INTERESTED ENTITIES OR PERSONS**

25 TELUS discloses that its only subsidiary owning more than ten (10) percent of its
26 consolidated assets as of December 31, 2006, is TELUS Communications, Inc. ("TCI"). TELUS
27 also owns one hundred (100) percent of the partnership interests in TELE-MOBILE and TCC
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Indirectly.

Watson discloses _____.

20. OTHER MATTERS

The parties are unaware at this time of any other matters or information that may facilitate the just, speedy and inexpensive disposition of this matter.

Dated: Nov. ____, 2007

THELEN REID BROWN RAYSMAN & STEINER LLP

By _____
Ronald F. Lopez
Attorneys for TELUS Corporation

Dated: Nov. ____, 2007

By _____
Dennis Watson
Defendant *in Propria Persona*