

TABLE OF CONTENTS

	<u>Page</u>
I. INTRODUCTION	1
II. BACKGROUND	1
III. ARGUMENT	2
A. Yout Waived Its Opposition To RIAA’s Motion For Attorneys’ Fees	2
B. Yout’s Appeal Is Not A Basis For A Stay—Courts Regularly Decide Attorneys’ Fees While An Appeal Is Pending Because It Is Efficient	4
C. Yout Has Not Met Its Burden To Show Circumstances Meriting A Stay	5
1. Yout Does Not Argue Likelihood Of Success Favors A Stay	6
2. Yout Offers No Evidence Of Irreparable Harm.....	7
3. RIAA Would Be Substantially Injured By A Stay	8
4. The Public Interest Favors Protecting Copyrighted Works And Deciding RIAA’s Motion For Attorneys’ Fees	8
IV. CONCLUSION	9

TABLE OF AUTHORITIES

	<u>Page</u>
FEDERAL CASES	
<i>Baker v. Urban Outfitters, Inc.</i> , 431 F.Supp.2d 351 (S.D.N.Y. 2006).....	8
<i>BLAX Corp. v. NVIDIA Corp.</i> , No. 09-cv-01257-PAB-MEH, 2012 WL 1949002 (D. Colo. May 30, 2012).....	4
<i>Cohen v. Met. Life Ins. Co.</i> , No. 00 Civ. 6112 (LTS)(FM), 2007 WL 4208979 (S.D.N.Y. Nov. 21, 2007).....	4
<i>Estevez v. Berkeley College</i> , No. 18-CV-10350 (CS), 2022 WL 1963659 (S.D.N.Y. June 6, 2022).....	4, 6
<i>Fox Television Stations, Inc. v. FilmOn X LLC</i> , 966 F. Supp. 2d 30 (D.D.C. 2013).....	7
<i>Green v. United States Department of Justice</i> , No. 21-5195, 2022 WL 17419644 (D.C. Cir. Dec. 6, 2022)	1, 6
<i>Horror Inc. et al. v. Miller et al.</i> , No. 3:16-cv-01442 (SRU), 2022 WL 4473426 (D. Conn. Sept. 26, 2022)	4
<i>Jones v. Colvin</i> , No. 3:16-cv-1685 (VAB), 2018 WL 4845744 (D. Conn. Oct. 4, 2018).....	3
<i>Landis v. N. Am. Co.</i> , 299 U.S. 248 (1936).....	5
<i>Louis Vuitton Malletier S.A. v. LY USA, Inc.</i> , 676 F.3d 83 (2d Cir. 2012).....	5
<i>Miller v. City of Ithaca</i> , No. 3:10-cv-00597, 2019 WL 1470249 (N.D.N.Y. April 3, 2019)	6
<i>Nken v. Holder</i> , 556 U.S. 418 (2009).....	1, 5, 6
<i>Turley v. N.Y. City Police Dept.</i> , No. 93 Civ. 8748(SAS), 1998 WL 760243 (S.D.N.Y. Oct. 30, 1998)	4
<i>In re Unisys Corp. Retiree Medical Benefits Erisa Litigation</i> , No. 03-3924, 2007 WL 4287393 (E.D. Pa. Dec. 4, 2007).....	4
<i>Warner Bros. Ent., Inc. v. RDR Books</i> , 575 F. Supp. 2d 513 (S.D.N.Y. 2008).....	8

Weyant v. Okst,
198 F.3d 311 (2d Cir. 1999).....5

White v. New Hampshire Dept. of Employment Sec.,
455 U.S. 445 (1982).....5

Winter v. NRDC, Inc.,
555 U.S. 7 (2008).....7

RULES

Fed.R.Civ.P. 54.....4, 5

Fed.R.Civ.P. 62.....5

L.R. 7(a)(2)1, 3

L.R. 7(b)(3).....3

I. INTRODUCTION

On October 31, 2022, RIAA filed a Motion for Attorneys' Fees to recover the fees it incurred defending against Yout's objectively unreasonable lawsuit. Dkt. 65. RIAA agreed to Yout's request for an extension of time to December 1, 2022 to file its response, but did not agree to a stay of RIAA's motion pending appeal because such a stay is not warranted. Ehler Decl. ¶ 6.

Yout's request for a stay should be denied. First, by failing to file its response by the December 1 deadline (or since then), Yout has waived any opposition to RIAA's Motion for Attorneys' Fees. L.R. 7(a)(2). Second, there is no reasonable basis for staying RIAA's Motion for Attorneys' Fees. The case law clearly provides that judicial economy favors deciding fee motions while they are fresh in the Court's mind and to provide an opportunity for further efficiency by consolidating with the merits issues into a single appeal. Yout has failed to justify deviation from this routine practice. None of the *Nken* factors favors a stay of RIAA's motion. *Nken v. Holder*, 556 U.S. 418 (2009). Yout does not contend it is likely to succeed on the merits of its appeal, and the recent D.C. Circuit decision in *Green v. United States Department of Justice* makes Yout's prospect of success even less likely. No. 21-5195, 2022 WL 17419644 (D.C. Cir. Dec. 6, 2022). Nor does Yout support its motion with a cogent explanation or a shred of evidence regarding how resolution of RIAA's motion would cause Yout irreparable harm. In addition, the public interest is furthered by protecting the rights of music creators and discouraging meritless lawsuits like this one.

For the reasons set forth below, RIAA respectfully requests that the Court deny Yout's Motion to Stay and grant RIAA's unopposed Motion for Attorneys' Fees.

II. BACKGROUND

After this Court granted RIAA's Motion to Dismiss, undersigned counsel reached out to Yout's counsel to discuss RIAA's fee motion and a potential resolution. Ehler Decl. ¶ 2.

Counsel was not available for a meet-and-confer and then stated that he no longer represented

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