

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

VILLAGE OF SHILOH,

Plaintiff,

v.

NETFLIX, INC., *et al.*,

Defendants.

Case No. 3:21-cv-00807-MAB

**DISH DEFENDANTS' MOTION TO WITHDRAW AMENDED MOTION TO
RECONSIDER REMAND ORDER**

Defendants DISH Network Corp. and DISH Network L.L.C. (together, "DISH") respectfully move to withdraw their amended motion to reconsider the Court's March 24, 2022 order remanding this removed action to state court (Dkt. 73). The concern underlying that reconsideration motion—that it would result in duplicative class action litigation in state and federal court—has been addressed by the state court. DISH has requested Plaintiff's consent to this motion, but Plaintiff has not yet responded.

In remanding this action, this Court recognized that remand will result in a "certainly not ideal" situation where duplicative lawsuits are proceeding in state and federal court—this action by the Village of Shiloh in Illinois state court, and the earlier filed case styled *City of East St. Louis v. Netflix, Inc., et al.*, No. 3:21-cv-561 ("*East St. Louis* Action") before this Court. Dkt. 68 at 14. The Court added that "Defendants are not doomed to proceed simultaneously in both forums. Perhaps they will ask the state court judge to stay this case once it is remanded. Or they can move to stay the East St. Louis case that will remain in this District." *Id.*

As this Court predicted, on April 25, 2022, Defendants Netflix, Inc., Hulu, LLC, Disney DTC, LLC, DISH, and DIRECTV, LLC jointly asked the state court to dismiss or stay the proceeding pursuant to 735 ILCS 5/2-619, based on the prior pending *East St. Louis* Action between the “same parties” for the “same cause.” On July 29, 2022, after a hearing on Defendants’ motion, the state court issued an order staying the state court proceeding until further order of the court, and directing the parties to submit a joint report every six months as to the status of the *East St. Louis* Action. *See* Exhibit A. Accordingly, the risk of duplicative litigation has been avoided, and DISH’s amended motion to reconsider has become moot.

WHEREFORE, DISH Network Corp. and DISH Network L.L.C. respectfully request that this Court enter an order granting them leave to withdraw their amended motion to reconsider remand, and granting such other and further relief as this Court deems just and proper.

Date: August 3, 2022

Respectfully submitted,

/s/ Matthew R. Friedman

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*Counsel for Defendants DISH Network Corp. and
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CERTIFICATE OF SERVICE

I hereby certify that, on August 3, 2022, a true and correct copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system.

/s/ Matthew R. Friedman