

CLOSED

**United States District Court
District of Massachusetts (Springfield)
CIVIL DOCKET FOR CASE #: 3:11-cv-30168-MAP**

National Association of the Deaf et al v. Netflix, Inc.
Assigned to: Judge Michael A. Ponsor
Cause: 42:1218(2) Americans with Disabilities Act

Date Filed: 06/16/2011
Date Terminated: 10/11/2012
Jury Demand: None
Nature of Suit: 446 Civil Rights:
Americans with Disabilities – Other
Jurisdiction: Federal Question

Intervenor Plaintiff

Louis C. Sheptin
TERMINATED: 10/03/2011

represented by **Louis C. Sheptin**
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Plaintiff

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Plaintiff

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Plaintiff

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V.

Defendant

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Mediator

Kenneth P. Neiman

TERMINATED: 10/10/2012

Date Filed	#	Docket Text
06/16/2011	<u>1</u>	COMPLAINT against Netflix, Inc. Filing fee: \$ 350, receipt number 0101-3457668 (Fee Status: Filing Fee paid), filed by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Attachments: # <u>1</u> Civil Cover Sheet)(Netski, Christine) (Entered: 06/16/2011)
06/16/2011	<u>2</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Arlene B. Mayerson, Charlotte L. Lanvers, Shira T. Wakschlag Filing fee: \$ 150, receipt number 0101-3457681 by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Netski, Christine) (Entered: 06/16/2011)
06/16/2011	<u>3</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Bill Lann Lee, Catha Worthman, Joshua Davidson Filing fee: \$ 150, receipt number 0101-3457695 by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Netski, Christine) (Entered: 06/16/2011)
06/16/2011	<u>4</u>	NOTICE of Case Assignment. Magistrate Judge Kenneth P. Neiman assigned to case. Plaintiff's counsel, or defendant's counsel if this case was initiated by the filing of a Notice of Removal, are directed to the attached General Order and Notice regarding Consent to Proceed before the Magistrate Judge. These documents will be mailed to counsel not receiving notice electronically. (Costello2, Helen) (Main Document 4 replaced on 6/17/2011) (Lindsay, Maurice). (Entered: 06/16/2011)
06/17/2011	<u>5</u>	Summons Issued as to Netflix, Inc.. Counsel receiving this notice electronically should download this summons, complete one for each defendant and serve it in accordance with Fed.R.Civ.P. 4 and LR 4.1. Summons will be mailed to plaintiff(s) not receiving notice electronically for completion of service. (Lindsay, Maurice) (Entered: 06/17/2011)
06/23/2011	<u>6</u>	SUMMONS Returned Executed Netflix, Inc. served on 6/17/2011, answer due 7/8/2011. (Netski, Christine) (Entered: 06/23/2011)
07/07/2011	<u>8</u>	NOTICE of Appearance by Julie G. O'Neill on behalf of Netflix, Inc. (O'Neill, Julie) (Entered: 07/07/2011)
07/07/2011	<u>9</u>	STIPULATION re <u>1</u> Complaint, <i>to Extend Time to Respond and Time to Amend</i> by Netflix, Inc.. (O'Neill, Julie) Modified on 7/11/2011 (Lindsay, Maurice). (Entered: 07/07/2011)

07/07/2011	<u>10</u>	CORPORATE DISCLOSURE STATEMENT by Netflix, Inc.. (O'Neill, Julie) (Entered: 07/07/2011)
07/08/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered approving <u>9</u> Stipulation, as follows: Defendant's time to serve and file its motion to dismiss the complaint shall be extended to and including July 29, 2011; Plaintiffs shall have to and including August 19, 2011, to amend the complaint. So ordered. (Neiman, Kenneth) (Entered: 07/08/2011)
07/08/2011	<u>11</u>	Not all parties consented to assignment of case to Magistrate Judge Neiman. Case to be reassigned to Judge Michael A. Ponsor. (Lindsay, Maurice) (Entered: 07/08/2011)
07/11/2011		Notice of correction to docket made by Court staff. The stipulation Dkt. No. 9 was modified because the wrong event was used, documents seeking relief should be filed as a motion, the stipulation event does not appear on the courts pending motions report. The correct event should have been motion for extension of time. The entry has been modified and is now a visible pending motion. (Lindsay, Maurice) (Entered: 07/11/2011)
07/11/2011		ELECTRONIC NOTICE of Reassignment. Judge Michael A. Ponsor added. Magistrate Judge Kenneth P. Neiman no longer assigned to case. (Rynne, Michelle) (Entered: 07/11/2011)
07/13/2011		Judge Michael A. Ponsor: ELECTRONIC ORDER entered. REFERRING CASE to Magistrate Judge Kenneth P. Neiman Referred for: Events Only (e). Motions referred: <u>3</u> MOTION for Leave to Appear Pro Hac Vice for admission of Bill Lann Lee, Catha Worthman, Joshua Davidson Filing fee: \$ 150, receipt number 0101-3457695, <u>2</u> MOTION for Leave to Appear Pro Hac Vice for admission of Arlene B. Mayerson, Charlotte L. Lanvers, Shira T. Wakschlag Filing fee: \$ 150, receipt number 0101-3457681. (Lindsay, Maurice) Motions referred to Kenneth P. Neiman. (Entered: 07/13/2011)
07/21/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>2</u> Motion for Leave to Appear Pro Hac Vice, cc:cl. Added Attorneys Arlene B. Mayerson, Charlotte L. Lanvers, and Shira T. Wakschlag. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Healy, Bethaney) (Entered: 07/21/2011)
07/21/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>3</u> Motion for Leave to Appear Pro Hac Vice cc:cl. Added Attorneys Bill Lann Lee, Catha Worthman, and Joshua Davidson. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Healy, Bethaney) (Entered: 07/21/2011)
07/21/2011	<u>12</u>	MOTION to Intervene as Plaintiff by Louis C. Sheptin, FILED.(Boyce, Kathy) (Entered: 07/22/2011)
07/21/2011	<u>13</u>	MOTION for Leave to Proceed in forma pauperis by Louis C. Sheptin, FILED.(Boyce, Kathy) (Entered: 07/22/2011)
07/27/2011		Judge Michael A. Ponsor: ELECTRONIC ORDER entered. REFERRING CASE to Magistrate Judge Kenneth P. Neiman Referred for: Events Only (e). Motions referred: <u>13</u> MOTION for Leave to Proceed in forma pauperis, <u>12</u> MOTION to Intervene. (Stuckenbruck, John) Motions referred to Kenneth P. Neiman. (Entered: 07/27/2011)
07/29/2011	<u>14</u>	MOTION to Dismiss <i>or, in the Alternative, Transfer, or in the Alternative, Stay; Memorandum of Points and Authorities</i> by Netflix, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of David F. McDowell, # <u>2</u> Affidavit Declaration of Neil Hunt)(O'Neill, Julie) (Entered: 07/29/2011)
07/29/2011	<u>15</u>	MOTION for Leave to Appear Pro Hac Vice for admission of David F. McDowell and Jacob M. Harper Filing fee: \$ 100, receipt number 0101-3521435 by Netflix, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of David F. MDowell, # <u>2</u> Affidavit Declaration of Jacob M. Harper)(O'Neill, Julie) (Entered: 07/29/2011)

08/01/2011	<u>16</u>	Opposition re <u>13</u> MOTION for Leave to Proceed in forma pauperis, <u>12</u> MOTION to Intervene filed by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Wakschlag, Shira) (Entered: 08/01/2011)
08/01/2011	<u>17</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Brad Seligman Filing fee: \$ 50, receipt number 0101-3523609 by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf.(Davidson, Joshua) (Entered: 08/01/2011)
08/05/2011	<u>18</u>	MOTION for Leave to Appear Pro Hac Vice for admission of Brad Seligman Filing fee: \$ 50, receipt number 0101-3530340 by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Attachments: # <u>1</u> Exhibit Amended Certificate of Brad Seligman)(Netski, Christine) (Entered: 08/05/2011)
08/05/2011		ELECTRONIC NOTICE of Duplicate Filing Fee and Credit for Refund re <u>17</u> MOTION for Leave to Appear Pro Hac Vice for admission of Brad Seligman Filing fee: \$ 50, receipt number 0101-3523609, for \$50.00 paid on 08/01/2011, receipt number 0101-3523609. (Adam, Lucien) (Entered: 08/05/2011)
08/09/2011	<u>19</u>	AMENDED COMPLAINT <i>For Declaratory and Injunctive Relief</i> against Netflix, Inc., filed by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf.(Netski, Christine) (Entered: 08/09/2011)
08/11/2011		DOCKET SHEET sent to Louis Sheptin (PSSA, 3) (Entered: 08/11/2011)
08/15/2011		Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>15</u> Motion for Leave to Appear Pro Hac Vice Added David F. McDowell and Jacob M. Harper. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Lindsay, Maurice) (Entered: 08/15/2011)
08/15/2011		Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>18</u> Motion for Leave to Appear Pro Hac Vice Added Brad Seligman. Attorneys admitted Pro Hac Vice must register for electronic filing. To register go to the Court website at www.mad.uscourts.gov. Select Case Information, then Electronic Filing (CM/ECF) and go to the CM/ECF Registration Form. (Lindsay, Maurice) (Entered: 08/15/2011)
08/25/2011	<u>20</u>	Joint MOTION for Extension of Time to September 12, 2011 to Respond to First Amended Complaint , <i>to Set Briefing Schedule, and to Set Case Management Schedule and Conference (all Stipulated)</i> by Lee Nettles, National Association of the Deaf, Netflix, Inc., Western Massachusetts Association of the Deaf.(O'Neill, Julie) (Entered: 08/25/2011)
09/08/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>13</u> Motion for Leave to Proceed in forma pauperis. So ordered. (Neiman, Kenneth) (Entered: 09/08/2011)
09/08/2011	<u>21</u>	Magistrate Judge Kenneth P. Neiman: REPORT AND RECOMMENDATIONS re <u>12</u> MOTION to Intervene filed by Louis C. Sheptin ISSUED, cc:cl. Recommendation: "For the reasons stated, the court recommends that Sheptin's motion to intervene be DENIED." Objections to R&R due by 9/22/2011(Healy, Bethaney) (Entered: 09/08/2011)
09/12/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>20</u> Joint Motion for Extension of Time to September 12, 2011, So ordered. (Neiman, Kenneth) (Entered: 09/12/2011)
09/12/2011	<u>22</u>	MOTION to Dismiss <i>First Amended Complaint</i> by Netflix, Inc.. (Attachments: # <u>1</u> Affidavit Declaration of David McDowell, # <u>2</u> Affidavit Declaration of Neil Hunt)(McDowell, David) (Entered: 09/12/2011)
09/16/2011		Magistrate Judge Kenneth P. Neiman: FURTHER ELECTRONIC ORDER entered with regard to <u>20</u> Joint Motion for Extension of Time, as follows. Plaintiffs' opposition to <u>22</u> Defendant's Motion to Dismiss shall be filed by October 3, 2011, to which Defendant may reply by October 11, 2011. The hearing on the motion, together with a hearing on <u>14</u> Motion to Dismiss or, in the alternative, Transfer or, in the alternative,

		Stay, shall be held on November 8, 2011, at 3:00 p.m. in Hampden Courtroom before Senior Judge Michael A. Ponsor. So ordered. (Neiman, Kenneth) (Entered: 09/16/2011)
10/03/2011	<u>31</u>	Judge Michael A. Ponsor: MEMORANDUM AND ORDER entered. As follows: Upon de novo review the <u>21</u> Report and Recommendation is hereby adopted, without opposition, and the <u>12</u> motion to intervene is DENIED. (Lindsay, Maurice) (Lindsay, Maurice). (Entered: 10/03/2011)
10/03/2011	<u>23</u>	Opposition re <u>22</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Attachments: # <u>1</u> Affidavit ISO Opposition to Netflix MTD, # <u>2</u> Exhibit Exhibit A, # <u>3</u> Exhibit Exhibit B, # <u>4</u> Exhibit Exhibit C, # <u>5</u> Exhibit Exhibit D, # <u>6</u> Exhibit Exhibit E)(Worthman, Catha) (Entered: 10/03/2011)
10/03/2011	<u>24</u>	Opposition re <u>22</u> MOTION to Dismiss <i>First Amended Complaint – Statement of Interest</i> filed by United States Department of Justice. (Jacobs, Gretchen) (Entered: 10/03/2011)
10/05/2011	<u>25</u>	<i>Notice of Errata</i> by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf to <u>23</u> Opposition to Motion, <i>to Dismiss or Transfer</i> . (Worthman, Catha) (Entered: 10/05/2011)
10/05/2011	<u>26</u>	Opposition re <u>22</u> MOTION to Dismiss <i>First Amended Complaint (CORRECTED)</i> filed by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Worthman, Catha) (Entered: 10/05/2011)
10/07/2011	<u>27</u>	JOINT SUBMISSION pursuant to Local Rule 16.1 <i>and Fed. R. Civ. P. 26(f)</i> by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf.(Worthman, Catha) (Entered: 10/07/2011)
10/11/2011	<u>28</u>	REPLY to Response to <u>22</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by Netflix, Inc.. (McDowell, David) (Entered: 10/11/2011)
10/12/2011		ELECTRONIC NOTICE Setting Hearing on Motion <u>22</u> MOTION to Dismiss <i>First Amended Complaint</i> , <u>14</u> MOTION to Dismiss <i>or, in the Alternative, Transfer, or in the Alternative, Stay; Memorandum of Points and Authorities</i> : Motion Hearing set for 11/8/2011 03:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. (Pelegano, Theresa) (Entered: 10/12/2011)
10/12/2011	<u>29</u>	<i>Notice of Errata</i> by Netflix, Inc. to <u>28</u> Reply to Response to Motion <i>to Dismiss First Amended Complaint</i> . (McDowell, David) (Entered: 10/12/2011)
10/12/2011	<u>30</u>	REPLY to Response to <u>22</u> MOTION to Dismiss <i>First Amended Complaint First Amended Complaint (CORRECTED)</i> filed by Netflix, Inc.. (McDowell, David) (Entered: 10/12/2011)
10/27/2011		Case no longer referred to Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 10/27/2011)
11/01/2011		Notice of correction to docket made by Court staff. The endorsement entered on 10/3/11 has been modified to add the courts memorandum and order which is now (Dkt. No. 31) (Lindsay, Maurice) (Entered: 11/01/2011)
11/08/2011		ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A. Ponsor: Motion Hearing held on 11/8/2011 re <u>14</u> MOTION to Dismiss <i>or, in the Alternative, Transfer, or in the Alternative, Stay; Memorandum of Points and Authorities</i> filed by Netflix, Inc., <u>22</u> MOTION to Dismiss <i>First Amended Complaint</i> filed by Netflix, Inc. Interpreter sworn. Court grants stay in case until 2/6/12 but denies motion to dismiss. Order to issue. Answer to be filed in 30 days. Status report due on 2/6/12 re:FCC and proposal for schedule of case. (Court Reporter: Alice Moran at 413-731-0086.)(Attorneys present: Mayerson, Netski, Jacobs, Worthman, McDowell) (Pelegano, Theresa) (Entered: 11/08/2011)
11/10/2011	<u>32</u>	Judge Michael A. Ponsor: MEMORANDUM AND ORDER entered. As follows: Defendants Motion to Dismiss (Dkt. No. <u>22</u>) is hereby DENIED, except to the extent that this matter is stayed until February 6, 2012. See the attached memo and order for complete details. (Lindsay, Maurice) (Entered: 11/10/2011)

11/10/2011		Judge Michael A. Ponsor: ENDORSED ORDER entered denying <u>14</u> Motion to Dismiss or, in the Alternative, Transfer, or in the Alternative, Stay; Memorandum of Points and Authorities. DENIED as moot. (Lindsay, Maurice) (Entered: 11/10/2011)
11/14/2011	<u>33</u>	Transcript of Motion Hearing held on November 8, 2011, before Judge Michael A. Ponsor. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at 413-731-0086 Redaction Request due 12/5/2011. Redacted Transcript Deadline set for 12/15/2011. Release of Transcript Restriction set for 2/13/2012. (Scalfani, Deborah) (Entered: 11/14/2011)
11/14/2011		NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 11/14/2011)
12/08/2011	<u>34</u>	ANSWER to <u>19</u> Amended Complaint by Netflix, Inc..(McDowell, David) (Entered: 12/08/2011)
02/06/2012	<u>35</u>	Joint MOTION to Stay (<i>to Extend Stay</i>); <i>Proposed Order Thereon</i> by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Attachments: # <u>1</u> Exhibit A (FCC Rule & Order))(Worthman, Catha) (Entered: 02/06/2012)
02/07/2012		Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>35</u> Motion to Extend Stay pending settlement discussions. ALLOWED to March 7, 2012. (Lindsay, Maurice) (Entered: 02/07/2012)
03/07/2012	<u>36</u>	Joint MOTION for Extension of Time to 03/14/2012 to keep stay in place by Netflix, Inc..(Harper, Jacob) (Entered: 03/07/2012)
03/08/2012		Judge Michael A. Ponsor: ELECTRONIC ORDER entered granting <u>36</u> Motion for Extension of Time on Stay of Case through 3/14/12. (Pelegano, Theresa) (Entered: 03/08/2012)
03/15/2012	<u>37</u>	STATUS REPORT (<i>Joint</i>) by Netflix, Inc.. (Attachments: # <u>1</u> Exhibit A: FCC Final Report and Order re Captioning Regulations)(McDowell, David) (Entered: 03/15/2012)
03/16/2012	<u>38</u>	NOTICE by Netflix, Inc. re <u>37</u> Status Report <i>Attaching Exhibit B to Joint Status Report -- 11/8/11 Transcript</i> (Attachments: # <u>1</u> Exhibit B to Joint Status Report -- 11/8/11 Transcript)(Harper, Jacob) (Entered: 03/16/2012)
04/03/2012	<u>39</u>	NOTICE of Scheduling Conference Scheduling Conference set for 4/25/2012 12:00 PM in Hampden Courtroom before Judge Michael A. Ponsor. (Pelegano, Theresa) (Entered: 04/03/2012)
04/18/2012	<u>40</u>	JOINT STATEMENT re scheduling conference . (Attachments: # <u>1</u> Exhibit A: Non-substantive Erratum to Captioning Regulations, # <u>2</u> Exhibit B: Fed. Reg. CVAA Captioning Regulations, # <u>3</u> Exhibit C: Public Notice re Effective Date of CVAA Captioning Regulations)(McDowell, David) (Entered: 04/18/2012)
04/19/2012	<u>41</u>	First CERTIFICATION pursuant to Local Rule 16.1 (D)(3) <i>CERTIFICATE OF PLAINTIFFS</i> . (Lanvers, Charlotte) (Entered: 04/19/2012)
04/25/2012		ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A. Ponsor: Scheduling Conference held on 4/25/2012. Colloquy re; statas of case. Parties may request mediation. Court sets schedule. Motion hearing set for 6/11/12. PTC scheduled for 2/14/13. Trial scheduled for 4/1/13. Order to issue. (Court Reporter: Alice Moran at 413-731-0086.)(Attorneys present: Netski, Worthman, McDowell) (Pelegano, Theresa) (Entered: 04/25/2012)
04/26/2012	<u>42</u>	Judge Michael A. Ponsor: ORDER entered. SCHEDULING ORDER: As follows; Dfts motion for judgment on the pleadings due 5/1/12, Counsel will appear before this court on 6/11/12 at 10:00 a.m. In addition to argument on any pending motions, the court will hear the parties report regarding mediation, Expert depositions will be completed by 11/16/12, Counsel will appear again for argument on any motion for summary judgment on 2/14/13 at 2:00 p.m., Trial will commence on 4/1/2013 at 10:00 AM in

		Hampden Courtroom before Judge Michael A. Ponsor. See the attached scheduling order for complete details. (Lindsay, Maurice) (Entered: 04/26/2012)
05/01/2012	<u>43</u>	MOTION for Judgment on the Pleadings by Netflix, Inc..(McDowell, David) (Entered: 05/01/2012)
05/01/2012	<u>44</u>	Request for Judicial Notice <i>in Support of Motion for Judgment on the Pleadings</i> by Netflix, Inc.. (Attachments: # <u>1</u> Exhibit A: CVAA Text, # <u>2</u> Exhibit B: FCC Final Report and Order re Captioning Regulations, # <u>3</u> Exhibit C: Senate Report re CVAA, # <u>4</u> Exhibit D: House Report re CVAA, # <u>5</u> Exhibit E: Advisory Committee Roster, # <u>6</u> Exhibit F: FCC NPRM re Captioning Regulations, # <u>7</u> Exhibit G: NAD Public Comments re Captioning Regulations, # <u>8</u> Exhibit H: NAD Public Reply Comments re Captioning Regulations, # <u>9</u> Exhibit I: Google Public Comments re Captioning Regulations, # <u>10</u> Exhibit J: FCC Notice re 4/30/12 Effective Date of Captioning Regulations)(McDowell, David) (Entered: 05/01/2012)
05/15/2012	<u>45</u>	MEMORANDUM in Opposition re <u>43</u> MOTION for Judgment on the Pleadings <i>Statement of Interest</i> filed by United States Department of Justice. (Maisels, Amanda) (Entered: 05/15/2012)
05/15/2012	<u>46</u>	Opposition re <u>43</u> MOTION for Judgment on the Pleadings filed by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Mayerson, Arlene) (Entered: 05/15/2012)
05/17/2012		ELECTRONIC NOTICE Setting Hearing on Motion <u>43</u> MOTION for Judgment on the Pleadings : Motion Hearing set for 6/11/2012 10:00 AM in Hampden Courtroom before Judge Michael A. Ponsor. (Pelegano, Theresa) (Entered: 05/17/2012)
05/29/2012	<u>47</u>	REPLY to Response to <u>43</u> MOTION for Judgment on the Pleadings filed by Netflix, Inc.. (McDowell, David) (Entered: 05/29/2012)
06/05/2012	<u>48</u>	SUR-REPLY to Motion re <u>43</u> MOTION for Judgment on the Pleadings filed by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Mayerson, Arlene) (Entered: 06/05/2012)
06/08/2012	<u>49</u>	MOTION to Compel <i>Production of Documents</i> by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Attachments: # <u>1</u> Affidavit Declaration, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B, # <u>4</u> Exhibit C, # <u>5</u> Exhibit D, # <u>6</u> Exhibit E, # <u>7</u> Exhibit F, # <u>8</u> Exhibit G, # <u>9</u> Exhibit H)(Davidson, Joshua) (Entered: 06/08/2012)
06/08/2012	<u>50</u>	MOTION for Leave to File Excess Pages by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf.(Davidson, Joshua) (Entered: 06/08/2012)
06/08/2012	<u>51</u>	MEMORANDUM in Support re <u>49</u> MOTION to Compel <i>Production of Documents</i> filed by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Davidson, Joshua) (Entered: 06/08/2012)
06/11/2012		ELECTRONIC Clerk's Notes for proceedings held before Judge Michael A. Ponsor: Motion Hearing held on 6/11/2012 re <u>43</u> MOTION for Judgment on the Pleadings filed by Netflix, Inc. Argument completed. Order to issue. (Court Reporter: Alice Moran at 413-731-0086.)(Attorneys present: Newhouse, Pumphrey) (Pelegano, Theresa) (Entered: 06/11/2012)
06/19/2012	<u>52</u>	Judge Michael A. Ponsor: MEMORANDUM AND ORDER entered. As follows: for the reasons stated in the memo and order. Defendants Motion for Judgment on the Pleadings (Dkt. No. <u>43</u>) is hereby DENIED. See the attached memo and order for complete details. (Lindsay, Maurice) (Entered: 06/19/2012)
06/19/2012	<u>53</u>	Judge Michael A. Ponsor: ORDER entered. REFERRING CASE to Alternative Dispute Resolution.(Lindsay, Maurice) (Entered: 06/19/2012)
06/20/2012		ELECTRONIC NOTICE of assignment to ADR Provider. Magistrate Judge Kenneth P. Neiman appointed. The Court will contact counsel with regard to scheduling. (Franklin, Yvonne) (Entered: 06/20/2012)

06/21/2012	<u>54</u>	TRANSCRIPT ORDER FORM by Netflix, Inc. for proceedings held on June 11, 2012 Judge Judge Michael A. Ponsor.. (McDowell, David) (Entered: 06/21/2012)
06/25/2012	<u>55</u>	Letter/e-mail from Jennifer Woodside re; case. (Pelegano, Theresa) (Entered: 06/25/2012)
06/25/2012	<u>56</u>	TRANSCRIPT ORDER FORM <i>and Certificate of Service</i> by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf for proceedings held on 6/11/2011 Judge Judge Michael A. Ponsor.. (Lanvers, Charlotte) (Entered: 06/25/2012)
06/28/2012	<u>57</u>	Transcript of Motion Hearing held on June 11, 2012, before Judge Michael A. Ponsor. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Court Reporter Name and Contact Information: Alice Moran at 413-731-0086 Redaction Request due 7/19/2012. Redacted Transcript Deadline set for 7/30/2012. Release of Transcript Restriction set for 9/26/2012. (Scalfani, Deborah) (Entered: 06/28/2012)
06/28/2012		NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, available on the court website at http://www.mad.uscourts.gov/attorneys/general-info.htm (Scalfani, Deborah) (Entered: 06/28/2012)
07/03/2012	<u>58</u>	Opposition re <u>49</u> MOTION to Compel <i>Production of Documents</i> filed by Netflix, Inc.. (Harper, Jacob) (Entered: 07/03/2012)
07/03/2012	<u>59</u>	DECLARATION re <u>58</u> Opposition to Motion to Compel <i>AND in Support of Netflix's Motion for Protective Order</i> by Netflix, Inc.. (Harper, Jacob) (Entered: 07/03/2012)
07/03/2012	<u>60</u>	DECLARATION re <u>58</u> Opposition to Motion to Compel <i>AND in Support of Motion for Protective Order (Kevin McEntee)</i> by Netflix, Inc.. (Harper, Jacob) (Entered: 07/03/2012)
07/03/2012	<u>61</u>	MOTION for Leave to File Excess Pages <i>in Support of Netflix's Opposition to Motion to Compel</i> by Netflix, Inc..(Harper, Jacob) (Entered: 07/03/2012)
07/10/2012	<u>62</u>	MOTION for Protective Order by Netflix, Inc.. (Attachments: # <u>1</u> Affidavit McEntee Declaration, # <u>2</u> Affidavit Harper Declaration, # <u>3</u> Affidavit Harper Supplemental Declaration, # <u>4</u> Text of Proposed Order Proposed Protective Order)(Harper, Jacob) (Entered: 07/10/2012)
07/16/2012	<u>63</u>	Magistrate Judge Kenneth P. Neiman. ORDER with respect to Mediation ENTERED, cc:cl. Mediation set for 8/3/2012 at 10:00 AM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman; confidential mediation memoranda shall be submitted by no later than 7/31/12. See Order for details.(Healy, Bethaney) (Main Document <u>63</u> replaced on 7/17/2012) (Healy, Bethaney). (Entered: 07/16/2012)
07/24/2012	<u>64</u>	MEMORANDUM in Opposition re <u>62</u> MOTION for Protective Order filed by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Attachments: # <u>1</u> Affidavit of Catha Worthman ISO of Opposition to Motion for Protective Order, # <u>2</u> Exhibit 1, # <u>3</u> Exhibit 2, # <u>4</u> Exhibit 3, # <u>5</u> Exhibit 4, # <u>6</u> Exhibit 5)(Worthman, Catha) (Entered: 07/24/2012)
07/27/2012		Remark - Courtesy copies of document #'s 58, 59, 60, 61 & 62 received and placed in the file. (Finn, Mary) (Entered: 07/27/2012)
07/27/2012	<u>65</u>	MOTION to Amend <u>52</u> Order on Motion for Judgment on the Pleadings, <i>to Certify for Interlocutory Review</i> by Netflix, Inc..(Harper, Jacob) (Entered: 07/27/2012)
07/27/2012	<u>66</u>	Request for Judicial Notice <i>in Support of Motion to Amend June 19 Order re MJOP to Certify for Interlocutory Review</i> by Netflix, Inc.. (Harper, Jacob) (Entered: 07/27/2012)
07/30/2012		Remark - Courtesy copies of documents <u>65</u> and <u>66</u> received and placed in the file. (Finn, Mary) (Entered: 07/30/2012)
08/02/2012	<u>67</u>	Opposition re <u>65</u> MOTION to Amend <u>52</u> Order on Motion for Judgment on the Pleadings, <i>to Certify for Interlocutory Review</i> filed by Lee Nettles, National

		Association of the Deaf, Western Massachusetts Association of the Deaf. (Worthman, Catha) (Entered: 08/02/2012)
08/03/2012	69	ELECTRONIC NOTICE of ADR Conference ISSUED. Follow-up Telephone Conference set for 8/24/2012 at 1:00 PM before Magistrate Judge Kenneth P. Neiman. The clerk will contact counsel with call in instructions. (Healy, Bethaney) (Entered: 08/03/2012)
08/06/2012	70	Judge Michael A. Ponsor: ENDORSED ORDER entered denying <u>65</u> Motion to Amend <u>52</u> Order on Motion for Judgment on the Pleadings, to Certify for Interlocutory Review. DENIED. The case does not present the exceptional circumstances justifying an interlocutory appeal. (Lindsay, Maurice) (Entered: 08/06/2012)
08/09/2012	<u>71</u>	STIPULATION <i>Between Plaintiffs and Netflix to Stay Discovery Pending Settlement Negotiations</i> by Netflix, Inc.. (Harper, Jacob) (Entered: 08/09/2012)
08/24/2012	73	ELECTRONIC NOTICE of ADR Conference ISSUED. Telephone Conference set for 9/5/2012 at 1:00 PM (EST) in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. The clerk will contact counsel with call in instructions. In the meantime, the parties have agreed that the court ought not take any action on the outstanding motions. (Healy, Bethaney) (Entered: 08/24/2012)
09/07/2012	75	ELECTRONIC NOTICE of ADR Conference ISSUED. Telephone Conference set for 9/7/2012 at 1:00 PM before Magistrate Judge Kenneth P. Neiman. The parties shall follow call-in instructions previously provided by the clerk's office. (Healy, Bethaney) (Entered: 09/07/2012)
09/11/2012	77	ELECTRONIC NOTICE of ADR Conference ISSUED, cc:cl. Telephone Conference set for 9/14/2012 01:00 PM before Magistrate Judge Kenneth P. Neiman. (Counsel shall use the same call in instructions previously provided by the court.) Follow up (in person) Mediation set for 10/1/2012 at 10:00 AM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 09/11/2012)
09/12/2012	<u>78</u>	Joint MOTION to Stay , <i>to Extend Discovery Deadlines, and to Vacate Summary Judgment and Trial Dates</i> by Netflix, Inc..(Harper, Jacob) (Entered: 09/12/2012)
09/13/2012	79	Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>78</u> Joint Motion to Stay. ALLOWED. The case is stayed until Oct. 2, 2012. Counsel will submit and report and, if appropriate, a proposed schedule by Oct. 2, 2012. So ordered. (Lindsay, Maurice) (Entered: 09/13/2012)
10/01/2012	81	ELECTRONIC NOTICE of ADR Conference: Telephone Conference set for 10/9/2012 at 1:00 PM in Hampshire Courtroom before Magistrate Judge Kenneth P. Neiman.(Healy, Bethaney) (Entered: 10/01/2012)
10/02/2012	<u>82</u>	Joint MOTION to Stay re 79 Order on Motion to Stay, by Netflix, Inc..(Harper, Jacob) (Entered: 10/02/2012)
10/04/2012	83	Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>82</u> Motion to Stay. ALLOWED. See Order. (Lindsay, Maurice) (Entered: 10/04/2012)
10/04/2012	<u>84</u>	Judge Michael A. Ponsor: ORDER entered. Discovery is stayed an additional week, until and including 10/10/12. See the attached order for details. (Lindsay, Maurice) (Entered: 10/04/2012)
10/10/2012	<u>85</u>	Joint MOTION to Approve Consent Judgment by Lee Nettles, National Association of the Deaf, Western Massachusetts Association of the Deaf. (Attachments: # <u>1</u> Exhibit A)(Netski, Christine) (Entered: 10/10/2012)
10/10/2012	<u>86</u>	REPORT of Alternative Dispute Resolution Provider (Healy, Bethaney) (Entered: 10/10/2012)
10/11/2012	87	Judge Michael A. Ponsor: ENDORSED ORDER entered granting <u>85</u> Motion to Approve Consent Judgment. ALLOWED. The court has this day approved the consent Decree attached as Exhibit A. The clerk will now docket the Decree separately. This case may be administratively closed, with the court retaining jurisdiction for four years. So ordered. (Lindsay, Maurice) (Entered: 10/11/2012)

10/11/2012	<u>88</u>	Judge Michael A. Ponsor: ORDER entered. CONSENT DECREE., See the attached Decree for details. (Lindsay, Maurice) (Entered: 10/11/2012)
04/19/2013	<u>89</u>	NOTICE of Change of Address or Firm Name by Jacob M. Harper (Harper, Jacob) (Entered: 04/19/2013)