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E-FILED: 8.22.2007

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

IO GROUP, INC.,

No. C06-03926 HRL

Plaintiff,

v.

**ORDER DENYING MOTION FOR
LEAVE TO APPEAR AS AMICI CURIAE**

VEOH NETWORKS, INC.,

[Re: Docket No. 87]

Defendant.

_____/

Viacom International, Inc. (“Viacom”) and NBC Universal, Inc. (“NBC”) move for leave to appear as amici curiae. Specifically, they request permission to file a brief¹ and present oral argument on issues raised in the summary judgment motion filed by defendant Veoh Networks, Inc. (“Veoh”).² Plaintiff Io Group, Inc. does not object. However, Veoh opposes the request. Upon consideration of the moving and responding papers, this court denies the motion.

“The district court has broad discretion to appoint amici curiae.” *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982). “District courts frequently welcome amicus briefs from non-parties concerning legal issues that have potential ramifications beyond the parties directly involved or if the amicus has ‘unique information or perspective that can help the court beyond

¹ Their proposed brief was submitted along with their motion.


² The parties have filed cross-motions for summary judgment which are set for hearing on September 4, 2007.

1 the help that the lawyers for the parties are able to provide.” *NGV Gaming, Ltd. v. Upstream*
2 *Point Molate, LLC*, 335 F. Supp.2d 1061, 1067 (N.D. Cal. 2005) (quoting *Cobell v. Norton*, 246
3 F. Supp.2d 59, 62 (D.D.C. 2003)). “However, an amicus curiae is not a party and has no
4 control over the litigation and no right to institute any proceedings in it, nor can it file any
5 pleadings or motions in the case.” *NGV Gaming, Ltd.*, 335 F. Supp.2d at 1068.

6 This court recognizes that the would-be amici may well have a legitimate interest in how
7 legal issues raised by Veoh’s summary judgment motion are resolved here. Nevertheless, their
8 proposed brief does not appear to provide a “unique information or perspective that can help the
9 court beyond the help that the lawyers for the parties are able to provide.” *NGV Gaming, Ltd.*,
10 335 F. Supp.2d at 1067 (citations omitted). Accordingly, Viacom/NBC’s motion is denied.

11 IT IS SO ORDERED.

12 Dated: August 22, 2007

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14 _____
15 HOWARD R. LLOYD
16 UNITED STATES MAGISTRATE JUDGE
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1 **5:06-cv-3926 Notice will be electronically mailed to:**

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8 **Counsel are responsible for distributing copies of this document to co-counsel who have**
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