

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ROBOCAST, INC., a Delaware corporation
Plaintiff and Counterclaim Defendant,
v.
NETFLIX, INC., a Delaware corporation
Defendant and Counterclaim Plaintiff.

C.A. No. 1:22-cv-00305-JLH
JURY TRIAL DEMANDED

ROBOCAST, INC., a Delaware corporation
and STEVEN J. RIZZI,
Petitioners,
v.
NETFLIX, INC., a Delaware corporation
Respondent.

No. 1:24-mc-00202-JLH

MOTION FOR TELECONFERENCE TO RESOLVE DISCOVERY DISPUTES

Plaintiff Robocast, Inc. (“Robocast”), Defendant Netflix, Inc. (“Netflix”), and Petitioner Steven J. Rizzi respectfully move this Court to schedule a consolidated teleconference to address outstanding disputes regarding the following discovery matters in two cases:

C.A. No. 22-305-JLH:

- Robocast moves to compel Netflix to i) provide alternate dates for the deposition of Ms. Helen Ponce during the fact discovery period; or ii) make her available for deposition out of time. (*See* D.I. 222.)
- Netflix moves to compel (1) production, or in the alternative *in camera review*, of documents withheld by Robocast based on privilege claims, and litigation funding documents withheld and logged by Robocast based on relevance grounds; and (2)

deposition testimony from Robocast’s witnesses based on privilege claims and instructions.

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer (in person/and or by telephone) on at least the following date:

- April 15, 2024.

Delaware Counsel: Stephen B. Braerman (for Robocast); and Kelly E. Farnan (for Netflix).

Lead Counsel: Steven Rizzi (for Robocast); Tara D. Elliott (for Netflix).

C.A. No. 24-mc-202-JLH:

- Netflix moves to compel Steven J. Rizzi to comply with Netflix’s subpoenas to him (D.I. 186).¹

The following attorneys, including at least one Delaware Counsel and at least one Lead Counsel per party, participated in a verbal meet-and-confer (in person/and or by telephone) on at least the following date:

- April 15, 2024.

Delaware Counsel: Stephen B. Braerman (for Robocast); and Kelly E. Farnan (for Netflix).

¹ Netflix’s subpoenas to Mr. Rizzi are subject to a fully briefed Motion to Quash Subpoenas and for Sanctions Under Rule Civil Procedure 45 (the “Motion”) that has been pending in the Southern District of New York (“SDNY”) since March 8, 2024. *See Rizzi v. Netflix Inc.*, C.A. No. 24-MC-106-AS, (D.I. 1-3, 13, 15-18, 27 (S.D.N.Y. Mar. 18, 2024). The Motion was transferred from the SDNY to the District of Delaware on March 22, 2024. *Id.*, D.I. 34 (Mar. 22, 2024); *see also Rizzi v. Netflix, Inc.*, C.A. 24-MC-202-JLH, (D. Del. Apr. 22, 2024).

Lead Counsel: Steven Rizzi; Tara D. Elliott (for Netflix).

The parties agree that the submissions for the above-captioned disputes will be separately briefed in the appropriate case.

The parties are available for a teleconference on the following dates, or at the Court's convenience:

- Robocast is available at the Court's convenience except for May 9, 2024.
- Netflix is available at the Court's convenience.

Dated: April 26, 2024

/s/ Ronald P. Golden III

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