

1 DAVIS WRIGHT TREMAINE LLP
2 A [REDACTED] (State Bar No. 169454)
3 S [REDACTED], 24th Floor
4 Los Angeles
5 Telephone: [REDACTED]

6 DAVIS WRIGHT TREMAINE LLP
7 F [REDACTED] MARA (*Of Counsel*)
8 K [REDACTED] (*Counsel*)
9 L [REDACTED] oor
10 New York, N
11 Telephone: [REDACTED]

12 Attorneys for Defendants
13 BAUER PUBLISHING COMPANY, L.P., BAUER
14 MAGAZINE L.P., BAUER MEDIA GROUP, INC.,
15 BAUER, INC., HEINRICH BAUER NORTH AMERICA,
16 INC. and MICHELLE LEE

17 UNITED STATES DISTRICT COURT
18 CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

19 DAVID V. BECKHAM, an individual,) Case No. CV10-7980-R (SSx)
20 Plaintiff,)
21 vs.) **[PROPOSED] ORDER DENYING**
22 BAUER PUBLISHING COMPANY,) **PLAINTIFF DAVID V. BECKHAM'S**
23 L.P., a Delaware limited partnership;) **MOTION TO CONDUCT**
24 BAUER MAGAZINE L.P., a Delaware) **DISCOVERY**
25 limited partnership; BAUER MEDIA)
26 GROUP, INC., a Delaware corporation;) Hon. Manuel L. Real
27 BAUER, INC., a Delaware corporation;) Courtroom: 8
28 BAUER NORTH AMERICA, INC., a)
Delaware corporation; MICHELLE)
LEE, an individual; IRMA NICI, an)
individual; and DOES 1 through 50,)
inclusive,)
Defendants.)

29 IRMA NICI, an individual,
30 Cross-Complainant,
31 v.
32 DAVID V. BECKHAM, an individual,
33 Cross-Defendant.

1 Plaintiff David V. Beckham's Motion to Conduct Discovery Prior to
2 Responding to Bauer Defendants' Anti-SLAPP Motion came on for hearing on
3 shortened notice before the Honorable Manuel Real, United States District Court
4 Judge, on January 10, 2011, at 10:00 a.m. Plaintiff was represented by Richard
5 Kendall, Philip Kelly and Joshua Karp of Kendall Brill & Klieger LLP. Defendants
6 Bauer Publishing Company, L.P., Bauer Magazine L.P., Bauer Media Group, Inc.,
7 Bauer, Inc., Heinrich Bauer North America, Inc. and Michelle Lee (collectively, the
8 "Bauer Defendants") were represented by Alonzo Wickers IV and Elizabeth
9 McNamara of Davis Wright Tremaine LLP. Defendant Irma Nici was represented by
10 Paul Rolf Jensen of Jensen and Associates APC.

11 To obtain discovery under Federal Rule of Civil Procedure 56(d) and/or
12 California Code of Civil Procedure § 425.16(g), the party seeking discovery
13 must show that "(1) it has set forth in affidavit form the specific facts that it hopes to
14 elicit from further discovery; (2) the facts sought exist; and (3) the sought-after facts
15 are essential to oppose summary judgment." *See, e.g., Family Home & Finance*
16 *Center, Inc. v. Federal Home Loan Mortgage Corp.*, 525 F.3d 822, 827 (9th Cir.
17 2008). Beckham failed to meet this standard.

18 This Court, therefore, having read and considered the supporting points and
19 authorities and evidence, and good cause appearing therefor, orders as follows:

20 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT
21 Beckham's Motion to Conduct Discovery Prior to Responding to Bauer Defendants'
22 Anti-SLAPP Motion is DENIED.

23 ///

24 ///

25 ///

26

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT all pending hearing dates and deadlines in this action shall remain as scheduled.

IT IS SO ORDERED.

DATED: _____

HONORABLE MANUEL L. REAL
Judge, United States District Court

