

BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

In the Matter of	)	
	)	
Herring Broadcasting, Inc. d/b/a	)	MB Docket No. 08-214
WealthTV,	)	
Complainant	)	File No. CSR-7709-P
v.	)	
Time Warner Cable Inc.	)	
Defendant	)	
	)	
Herring Broadcasting, Inc. d/b/a	)	File No. CSR-7822-P
WealthTV,	)	
Complainant	)	
v.	)	
Bright House Networks, LLC,	)	
Defendant	)	
	)	
Herring Broadcasting, Inc. d/b/a	)	
WealthTV,	)	File No. CSR-7829-P
Complainant	)	
v.	)	
Cox Communications, Inc.,	)	
Defendant	)	
	)	
Herring Broadcasting, Inc. d/b/a	)	
WealthTV,	)	File No. CSR-7907-P
Complainant	)	
v.	)	
Comcast Corporation,	)	
Defendant	)	

To: Marlene H. Dortch, Secretary  
Federal Communications Commission

Attn: The Hon. Richard L. Sippel  
Chief Administrative Law Judge

**Joint Motion for Leave to File Reply in Further Support of Defendants’  
Joint Motion for Modification of Court Room Memorandum**

Defendants Time Warner Cable Inc., Bright House Networks, LLC, Cox Communications, Inc., and Comcast Corporation (the “Defendants”), by their counsel, hereby respectfully request leave to file a short reply in response to the “Opposition to Joint Motion for Modification of Court

Room Memorandum” (“Opposition”) filed by Herring Broadcasting Inc., d/b/a WealthTV (“WealthTV”) on March 26, 2009.<sup>1</sup>

Defendants submit that a short reply is warranted to address a number of mischaracterizations contained in the Opposition, all of which center around WealthTV’s claim that viewing the DVDs attached as Exhibits D and E to the Expert Report of Michael Egan (“Egan DVDs”) at the hearing in these proceedings would be unfairly prejudicial to WealthTV. As explained in the accompanying reply, the Opposition incorrectly asserts that harm would result from such presentation and fails to establish a basis for exclusion of such evidence. The Opposition also exaggerates the amount of time involved in viewing and cross-examining the sponsoring witness with regard to such evidence. Contrary to WealthTV’s claims, presentation of the Egan DVDs would be entirely consistent with the efficient and orderly conduct of the hearing and would furthermore comport with the goal of providing a full examination on the claims at issue.

Because it will be useful for the Presiding Judge in framing the arguments presented by both sides and will assist in his prompt resolution of this matter, Defendants respectfully request that they be granted leave to file the accompanying Reply in Further Support of Defendants’ Joint Motion for Modification of Court Room Memorandum.

Respectfully submitted,

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<sup>1</sup> For the reasons set forth herein, Defendants hereby seek a waiver of 47 C.F.R. §1.294(b).

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Dated: April 1, 2009  
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## CERTIFICATE OF SERVICE

I, Micah M. Caldwell, hereby certify that, on this 1<sup>st</sup> day of April, 2009, copies of the foregoing "Joint Motion for Leave to File Reply in Further Support of Defendants' Joint Motion for Modification of Court Room Memorandum" were sent via e-mail, to the following:

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\* Courtesy Copy

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