

Before the
Federal Communications Commission
Washington, DC 20554

FCC 14M-10
09936

In the Matter of)	MB Docket No. 12-122
)	
Game Show Network, LLC,)	File No. CSR-8529-P
Complainant,)	
)	
v.)	
)	
Cablevision Systems Corp.)	
Defendant)	
)	
Program Carriage Complaint)	

ORDER

Issued: March 12, 2014

Released: March 12, 2014

Status Report

On March 6, 2014, Game Show Network, LLC (“GSN”), Cablevision Systems Corporation, (“Cablevision”), and the Enforcement Bureau (“the Bureau”) filed a Joint Status Report. Citing the need of the parties to “confer on their respective discovery needs and a reasonable schedule for accomplishing any necessary work,” GSN requests that the Presiding Judge grant the parties until April 7, 2014 to submit a further status report.¹ Neither Cablevision nor the Bureau objects to GSN’s proposal. For good cause shown, GSN’s request **IS GRANTED**. The parties shall submit an additional status report that describes their progress on the above matters on or before April 7, 2014.

Cablevision also indicates that it expects to file a request for summary decision before that status report is filed. However, Cablevision is cautioned that it is difficult to succeed on a motion for summary decision in a complex case.² In addition, GSN and Cablevision jointly moved to continue this proceeding so that they could develop their respective cases in a way that fully accounted for the impact of the D.C. Circuit’s panel decision in *Comcast Cable Communications v. FCC*.³ In granting the continuance, the Presiding Judge anticipated, and still anticipates, that additional discovery would likely be necessary to address the issues elevated by

¹ Parties’ Joint Status Report at 2.

² See *Summary Decision Procedures*, 34 FCC.2d 485, 488 ¶ 6 (1972).

³ *Comcast Cable Communications v. FCC*, No. 12-1337 (D.C. Cir. filed August 1, 2012).

that decision. Such circumstances are reasons for delaying the consideration of any motion for summary decision until discovery is completed,⁴ particularly since expert opinions should be based on current data and the appellate court's analysis. It is also noted that in making a motion for summary decision, Cablevision has the burden of convincing that summary decision should not be delayed for any further discovery despite the posture of this proceeding.⁵

Withdrawal of Counsel

The Request that Howard J. Symons and Dominic J. Picca be withdrawn from their appearances as counsel for Cablevision in this proceeding and removed from the service list **IS GRANTED.**⁶

SO ORDERED.

FEDERAL COMMUNICATIONS COMMISSION⁷



Richard L. Sippel
Chief Administrative Law Judge

⁴ See Fed.R.Civ.P. 56(d).

⁵ See *supra* n.2.

⁶ This request was filed by Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C. It explicitly requested that counsel be removed from the service list.

⁷ Courtesy copies of this *Order* will be forwarded on issuance to counsel on the e-mail service list.