

# MEMO ENDORSED

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**BY FACSIMILE**

Honorable Kenneth M. Karas  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 920  
New York, New York 10007

September 30, 2005  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 10/12/05

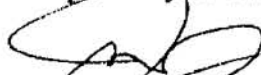
Re: World Wrestling Entertainment, Inc. v. JAKKS Pacific, Inc., et al.,  
1:04-CV-08223-KMK

Dear Judge Karas:

We respectfully write on behalf of Defendants Jakks Pacific, Inc., Jack Friedman, Steven G. Berman, and Joel M. Bennett (collectively, the "JAKKS Defendants") to seek clarification on the page limit that applies to the JAKKS Defendants' reply memorandum of law on the issues of RICO Enterprise and the Robinson-Patman Act ("RPA"), which is scheduled to be filed on October 4, 2005, pursuant to Your Honor's August 18, 2005 Order.

Based on the hearing before Your Honor on August 18, 2005, we understood that, as we requested at the hearing, for our reply brief we would be permitted the same number of pages that WWE devoted collectively to the RICO and RPA arguments in its September 19, 2005 Memorandum of Law in Opposition to Defendants' Motions to Dismiss (the "WWE 9/19 Memo"). The WWE 9/19 Memo spent approximately 25 pages on these topics, in response to the ten pages we used to address these arguments in our moving brief. We therefore understood that we would be permitted an equal number of pages on reply. Although our reading of the transcript of the August 18, 2005 Hearing persuades us that Your Honor granted the JAKKS Defendants' request,<sup>1</sup> we confess that there appears to be some ambiguity as to the page limit for replies. Accordingly, we respectfully request confirmation that our understanding is correct.

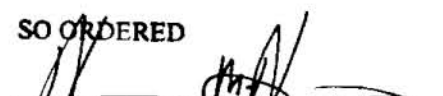
Respectfully submitted,

  
Jonathan J. Lerner

*The application is GRANTED.*

Enclosures  
cc: All Counsel

SO ORDERED

  
KENNETH M. KARAS U.S.D.J.

<sup>1</sup> See 8/18/05 Hearing Transcript at 51:5-18. (The Court: [ ] What would you like to respond? Mr. Lerner: Whatever pages they use, I would like the same amount. If they have 45, I don't think we need 45. The Court: You are going to get me in trouble with the environmentalists. What's good for the goose is good for the gander. . .). We attach the relevant pages of the transcript for the Court's convenience.

9/30/05

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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WORLD WRESTLING ENTERTAINMENT,  
INC.,

Plaintiff, New York, N.Y.

v. 04 civ. 8223 (KMK)

JAKKS PACIFIC, INC., et al.,

Defendants.

-----x

August 18, 2005  
2:50 p.m.

Before:

HON. KENNETH M. KARAS,

District Judge

APPEARANCES

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1 THE COURT: I will give you 20. If you need more, you  
 2 will let me know.  
 3 MR. MCDEVITT: Thank you, your Honor.  
 4 THE COURT: What do you want to do about the  
 5 enterprise?  
 6 MR. MCDEVITT: I am assuming -- I was talking about  
 7 both Robinson-Patman and the enterprise. That's why I was  
 8 asking for 25 pages.  
 9 THE COURT: That's fine. So you are looking at a  
 10 35-page brief to deal with all three issues?  
 11 MR. MCDEVITT: If his is ten.  
 12 THE COURT: Right.  
 13 MR. MCDEVITT: Yes.  
 14 THE COURT: All right. That's fine.  
 15 You can have the 25 for the other two points.  
 16 Are defendants going to need to depart from my  
 17 individual practices on the antitrust claim?  
 18 MR. LERNER: Can we have an extra five pages?  
 19 THE COURT: Sure. What does that get you to?  
 20 MR. LERNER: 30.  
 21 THE COURT: All right.  
 22 MR. MARENBERG: Your Honor, we will try not to file a  
 23 brief and try to coordinate, but can we have 15 pages? We  
 24 don't need the whole 30 that they said. If we can get 15  
 25 pages?

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1 THE COURT: Sure.  
 2 MR. MARENBERG: We will try not to file anything.  
 3 THE COURT: Is that on the antitrust?  
 4 MR. MARENBERG: Yes.  
 5 THE COURT: Yes.  
 6 What would you like to respond?  
 7 MR. LERNER: Whatever pages they use, I would like the  
 8 same amount. If they have 45, I don't think we need 45.  
 9 THE COURT: You are going to get me in trouble with  
 10 the environmentalists. What's good for the goose is good for  
 11 gander.  
 12 MR. LERNER: We always take the brunt. He takes the  
 13 THQ pages. That's OK. It's an adversary system. Let him say  
 14 what he wants.  
 15 THE COURT: The judge I clerked for always said if you  
 16 can't say it in ten pages -- if you need a little extra for  
 17 reply, extra five pages for reply, that's fine.  
 18 MR. LERNER: Thank you.  
 19 MR. MCDEVITT: What are the reply briefs? What is the  
 20 page limit on that?  
 21 THE COURT: Whatever the page limit is you are talking  
 22 about?  
 23 MR. MCDEVITT: That's right. So whatever --  
 24 THE COURT: You've got two briefs that you are going  
 25 to write, both responding briefs.

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1 MR. MCDEVITT: Right.  
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THE COURT: You are getting basically 35 on the first round and you are a getting whatever they use with respect to the Sherman claim.  
OK. Anything else we need to discuss?  
MR. MCDEVITT: Thank you, Judge.  
THE COURT: Thank you all for coming.  
MR. LERNER: Thank you, your Honor.  
(Adjourned)

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