

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. CV 12-4095 GW (FMOx) Date December 3, 2012

Title *eDrop-Off Chicago LLC, et al. v. Burke, et al.*

Present: The Honorable GEORGE H. WU, UNITED STATES DISTRICT JUDGE

Javier Gonzalez

Wil Wilcox

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Dominique R. Shelton
Erin Lee Jeanette Pfaff

Lori Chang

**PROCEEDINGS: AMICUS CURIAE ELECTRONIC FRONTIER FOUNDATION'S
APPLICATION FOR LEAVE TO FILE BRIEF AMICUS CURIAE
(filed 07/16/12)**

The Tentative circulated and attached hereto, is adopted as the Court's final ruling. The Amicus Curiae's application is **DENIED**.

Initials of Preparer JG : 03

eDrop-Off Chicago LLC, et al. v. Burke, et al., Case No. 2:12-cv-04095 GW (FMOx)
Ruling on Application for Leave to File Brief Amicus Curiae

For the second time in this case, the Electronic Frontier Foundation (“EFF”) has applied for permission to file an *amicus curiae* brief. On June 1, 2012, in connection with an issue related to the request of plaintiffs eDrop-Off Chicago LLC and Corri McFadden (“Plaintiffs”) to be able to voluntarily dismiss this action, the Court denied the first request because it believed that the “issues ha[d] been adequately presented by the parties to this case.” See Docket No. 36, at 1 n.1. The instant application suffers from the same “defect.”

EFF simply repeats, though in more detail, arguments Midley, Inc. dba Purseblog.com (“Midley”) already makes in its currently-pending motion to strike pursuant to California’s anti-SLAPP procedure. EFF focuses on giving the Court more information supporting its view of the underlying purposes of the Communications Decency Act and California’s anti-SLAPP statute. Midley has already spoken to those points, see Docket No. 48, at 4-5, 15-18, and the Court has little need for still further briefing in this area, especially where it is repetitive and would needlessly drive up the briefing-related costs for at least one of the parties in this case. As Plaintiffs argue, the *amicus curiae* process is not to be used as a safety valve for a party to avoid page limitations in preparing their motions. See *Ryan v. Commodity Futures Trading Comm’n*, 125 F.3d 1062, 1063 (7th Cir. 1997). The EFF would be well-advised to consider this Court’s opinion in that regard before attempting, for a third time, to proffer its views in connection with this lawsuit.