

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DISH NETWORK L.L.C.,

Plaintiff.

v.

DATACAMP LIMITED d/b/a
CDN77 and DATAPACKET,

Defendant.

Case No. 22-cv-00993

Judge John F. Kness

Magistrate Sheila M. Finnegan

JOINT MOTION TO STRIKE PLEADING AND STAY PROCEEDINGS

DISH Network L.L.C. (“DISH”) and Datacamp Limited d/b/a CDN77 and Datapacket (“Datacamp,” collectively the “Parties”) jointly move the Court to strike Datacamp’s answer and counterclaims (Dkt.77) and stay further proceedings in the action pending completion of documents finalizing settlement.

Striking Pleading

DISH believes that Datacamp’s counterclaims are frivolous and include allegations that should be stricken for violating settlement conference confidentiality. DISH informed Datacamp that it would move to strike the counterclaims and that DISH also intends to move for sanctions under Rule 11 and move to dismiss the counterclaims. Datacamp believes that: (a) its Counterclaims are valid and meritorious, (b) there has been no violation of Settlement Conference confidentiality, and (c) that any DISH motion to strike, dismiss and/or for sanctions would likely be frivolous themselves and subject to a Rule 11 Motion. Datacamp agrees to have Dkt.

77 stricken solely to accommodate DISH and facilitate and expedite the finalization of the settlement. Accordingly, the Parties jointly request that Datacamp's pleading filed at Dkt. 77 be removed from the record in this case.

Staying Proceedings

The fact discovery deadline is September 29, 2023. The Parties are in the process of taking depositions, with seven depositions noticed for this month. During Datacamp's 30(b)(6) deposition on August 2, 2023, Datacamp's representative refused to answer questions concerning the basis for the counterclaims after having been instructed by Datacamp's counsel to not respond. Datacamp contends DISH refused a common professional courtesy request for an extension to file a responsive pleading and Datacamp was compelled to file its Answer, Defenses, and Counterclaims on July 31, 2023, less than 36 hours before the Zoom Deposition of its F.R.C.P. 30(b)(6) Designee, who had not been noticed to testify about any Counterclaims and who had not yet been prepared to testify regarding same. The same Designee's individual deposition was already scheduled for August 4, 2023 and Datacamp offered to allow him to be questioned then on the Counterclaims. The Parties have reached an understanding on settlement terms that will fully resolve this litigation. Accordingly, the Parties request a stay of the case for thirty (30) days so they may focus their efforts on finalizing a settlement and avoid the costs and other burdens associated with discovery and motion practice.

Extension to re-File

The Parties agree and move that should the settlement not be consummated or enforced by the Court for any reason, Datacamp shall have 30 days from the re-activation of the case within which to file its same or an Amended Answer, with Affirmative Defenses and Counterclaims.

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