MOTION INFORMATION STATEMENT

Docket Number(s): 10-2438 and 10-2573 (consolidated)

Caption [use short title]

Motion for: Dismissal of consolidated appeals as moot; vacatur of lower court orders

In Re: Application to Quash Subpoenas
to Daily News, L.P. and George Rush

Set forth below precise, complete statement of relief sought:

(1) Dismissing consolidated appeals as moot; and (2) pursuant to 28 U.S.C. § 2106,

vacating District Court order entered on May 21, 2010 (McKenna, J.) denying

appellants' motion to quash subpoenas and vacating District Court order entered on

June 25, 2010 (Stein, J.) adjudging appellants in civil contempt of May 21 order.

MOVING PARTY: Daily News, L.P. and George Rush

OPPOSING PARTY: Appellee Jane Doe

☐ Plaintiff   ☐ Defendant
☑ Appellant/Petitioner   ☐ Appellee/Respondent

MOVING ATTORNEY: Laura R. Handman and Robert D. Balin

OPPOSING ATTORNEY: Paul G. Cassell

[name of attorney, with firm, address, phone number and e-mail]

Davis Wright Tremaine LLP
Suite 800, 1919 Pennsylvania Avenue, NW
Washington, ▮▮ 20006
▮▮▮▮▮▮▮▮▮

332 South 1400 East, Room 101
Salt Lake City, UT 84112
▮▮▮▮▮▮▮▮▮

Court-Judge/Agency appealed from: Southern District of New York (Stein, J. and McKenna, J.)

Please check appropriate boxes:

Has movant notified opposing counsel (required by Local Rule 27.1):
☑ Yes ☐ No (explain): _____

Opposing counsel's position on motion:
☑ Unopposed ☐ Opposed ☐ Don't Know

Does opposing counsel intend to file a response:
☐ Yes ☑ No ☐ Don't Know

Is oral argument on motion requested? ☐ Yes ☑ No (requests for oral argument will not necessarily be granted)

Has argument date of appeal been set? ☐ Yes ☑ No If yes, enter date: Per motion order dated July, 12, 2010, appeal taken on submission and held in abeyance

FOR EMERGENCY MOTIONS, MOTIONS FOR STAYS AND INJUNCTIONS PENDING APPEAL:

Has request for relief been made below? ☐ Yes ☐ No
Has this relief been previously sought in this Court? ☐ Yes ☐ No
Requested return date and explanation of emergency: _____

Signature of Moving Attorney:
s/Laura R. Handman
☐ **Date:** July 20, 2010

Has service been effected? ☑ Yes ☐ No [Attach proof of service]

ORDER

IT IS HEREBY ORDERED THAT the motion is **GRANTED   DENIED**.

FOR THE COURT:
CATHERINE O'HAGAN WOLFE, Clerk of Court

Date: _____   By: _____

Form T-1080