

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 08/28/2019

CHRONICLE BOOKS LLC; HACHETTE  
BOOK GROUP, INC.; HARPERCOLLINS  
PUBLISHERS LLC; MACMILLAN  
PUBLISHING GROUP, LLC; PENGUIN  
RANDOM HOUSE LLC; SCHOLASTIC INC.;  
AND SIMON & SCHUSTER, INC.

Plaintiffs,

- against -

AUDIBLE, INC.,

Defendant.

Case No.: 19-CV-7913 (VEC)

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned counsel for Plaintiffs Chronicle Books LLC, Hachette Book Group, Inc., HarperCollins Publishers LLC; Macmillan Publishing Group, LLC, Penguin Random House LLC, Scholastic Inc., and Simon & Schuster, Inc. (“Publishers”), and counsel for Defendant Audible Inc., (“Audible”), that:

1. Audible will not enable its “Captions” feature for all audiobooks for which Publishers own, or are the exclusive licensee of, the text or audiobook rights (including without limitation Publishers’ Works as defined in Paragraph 36 of the Complaint filed in this litigation) until the Court rules on Publishers’ Motion for a Preliminary Injunction, filed on August 23, 2019, or the motion is otherwise disposed of.

2. The briefing schedule set forth in the Order to Show Cause dated August 23, 2019, is modified on consent to the following:

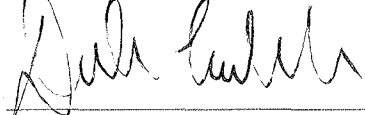
- a. Audible’s answering papers shall be filed and served upon Publishers’ counsel by email to [KEPublishers-Audible@kirkland.com](mailto:KEPublishers-Audible@kirkland.com) on September 13, 2019.

b. Any reply papers shall be filed and served on Audible's counsel by email to [ereisbaum@cgr-law.com](mailto:ereisbaum@cgr-law.com) on September 23, 2019.

3. The hearing currently scheduled for September 5, 2019, at 2:00 PM, before the Honorable Paul Crotty, is hereby adjourned on consent to September 25, 2019, before the Honorable Valerie Caproni, upon confirmation of the suitability of this date and time by the Court.

Dated: August 28, 2019  
New York, New York

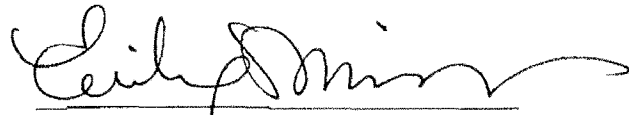
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*Counsel for Defendant*

The foregoing stipulation is hereby approved except that Plaintiffs' reply papers shall be filed and served on **September 20, 2019**.

The parties are directed to appear for a hearing on Plaintiffs' motion before the undersigned on **September 25, 2019, at 11:00 A.M.** in Courtroom 443 of the Thurgood Marshall Courthouse, 40 Foley Square, New York, New York, 10007. The hearing currently scheduled before Judge Crotty in his capacity as the Part I judge on September 5 is CANCELLED.

SO ORDERED.

Date: 08/28/2019



HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE