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UNITED STATES DISTRICT COURT

DISTRICT OF ARIZONA

MDY INDUSTRIES, LLC, Plaintiff and Counterdefendant, vs. **BLIZZARD ENTERTAINMENT, INC., and VIVENDI GAMES, INC.,** Defendants and Counterclaimants,	**Case No.: CV06-02555-PHX-DGC** **Request to Stay Permanent Injunction Pending Disposition of MDY's Motion For Reconsideration** **(Expedited ruling requested)** **The Honorable David G. Campbell**
BLIZZARD ENTERTAINMENT, INC., and VIVENDI GAMES, INC., Third-Party Plaintiffs, vs. **MICHAEL DONNELLY, an individual** Third-Party Defendant.	

MDY Industries, LLC and Michael Donnelly (collectively, MDY) request a temporary stay of the Court's Permanent Injunction pending the disposition of MDY's Motion for Reconsideration.[1] Under the Court's Order and Permanent Injunction, all sales and support of Glider stopped as of March 12 -- twelve business days ago.

[1] *See, e.g.*, Fed. R. Civ. P. 62(b).

As the Court recognized in its Order, "the quantifiable injury to Blizzard from staying the injunction will thus amount to less than one-tenth of one percent of its monthly revenue."[2] The damage to MDY, on the other hand, will likely be unrecoverable.[3] With each passing day, more and more Glider customers will move to other bot programs – likely offshore – and will have no reason to come back to Glider, thereby likely putting MDY out of business. Hence, the hardships that MDY and Donnelly will suffer while their Motion to Reconsider is pending substantially outweigh the hardships that Blizzard may suffer if the injunction is stayed pending the motion.[4]

Therefore, MDY respectfully requests that the Court stay its permanent injunction for the tortious interference claim against MDY pending its decision on MDY's Motion to Reconsider.

Respectfully submitted on March 24, 2009.

Venable, Campillo, Logan & Meaney, P.C.

By /s/Lance C. Venable

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[2] Order, Dkt. 116 at 4-5. MDY notes that the Court inadvertently stated that Blizzard "makes approximately $1,500,000 per month from WoW." As MDY stated on page 7 of its brief to the Court regarding permanent injunctive relief, Blizzard actually makes over $150,000,000 per month. Thus, Blizzard's actual alleged damage due to Glider based upon a monthly cost of $83,000 to Blizzard is less than 0.05% of Blizzard's monthly income.

[3] *See, id.*

[4] *See id*, at 5.

CERTIFICATE OF SERVICE

☒ I hereby certify that on March 24, 2009, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

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☐ I hereby certify that on _____, I served the attached document by FIRST CLASS MAIL on the following, who are not registered participants of the CM/ECF System:

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s/ Lance C. Venable