

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

MANUEL TIJERINO,

Plaintiff,

v.

SPOTIFY USA INC.,

Defendant.

Civil Action No.

2:24-cv-02290-ILRL-DPC

SECTION “B” (3)

Judge Ivan L.R. Lemelle

Magistrate Judge Donna Phillips Currault

**EX PARTE MOTION TO EXPEDITE CONSIDERATION OF
DEFENDANT’S MOTION TO STAY ALL PROCEEDINGS**

NOW INTO COURT, through undersigned counsel, comes Defendant, Spotify USA Inc. (“Spotify”), who respectfully moves for expedited consideration of its Motion to Stay All Proceedings Pending Resolution of Defendant’s Motion to Dismiss for Improper Venue (Rec. Doc. 13).

Expedited review is necessary in light of the rapidly approaching deadlines in this matter. Defendant’s expert reports are due September 22, 2025; the last day to serve written discovery is September 21, 2025; and dispositive and Daubert motions are due September 30, 2025—all with a December 8, 2025 trial date. These imminent deadlines would require Spotify to engage in extensive and costly merits discovery and expert work, the need for which may be obviated by resolution of the pending threshold venue issue. The next available submission date of September 17, 2025, falls immediately before these critical deadlines. A prompt ruling on the stay motion is critical to avoid the expenditure of substantial party and judicial resources on proceedings that could be rendered moot by transfer or dismissal.

Additionally, as frequently arises in patent cases involving contested venue, it is well recognized that unresolved venue questions often present issues for immediate appellate review. *See In re Cray Inc.*, 871 F.3d 1355, 1358-66 (Fed. Cir. 2017) (granting petition for writ of mandamus directing district court to grant motion for improper venue because defendant did not have regular and established place of business in the district); *see also, In re Google, Inc.*, No. 2015-138, 2015 WL 5294800 at *1 (Fed. Cir. July 16, 2015) (granting petition for writ of mandamus ordering district court to stay all proceedings until it had issued ruling on motion to transfer motion; “We, like other courts, have therefore stressed ‘the importance of addressing motions to transfer at the outset of litigation.’”). If Spotify’s Motion to Stay is not granted, Spotify will need time to consider seeking further relief before the critical deadlines discussed above. Moreover, efficient management of such threshold disputes benefits all parties and the judiciary, ensuring that matters of jurisdiction and venue are resolved before the case progresses irreversibly through fact and expert discovery and related merits litigation. Delay in resolving the stay motion could otherwise result in procedural inefficiencies and prejudice to all parties.

For these reasons, Spotify respectfully requests that the Court expedite consideration of its Motion to Stay and rule on it by September 12, 2025, so that, if the Court denies a stay, Spotify may consider seeking further relief, as necessary, before additional case deadlines pass.

WHEREFORE, Defendant, Spotify USA Inc., requests that the Court grant this Motion to Expedite and set its Motion to Stay All Proceedings for expedited briefing and consideration, and for such further relief as the Court deems just and proper.

Dated: August 29, 2025

Respectfully submitted,

PHELPS DUNBAR LLP

BY: /s/ David L. Patrón

David L. Patrón (La. Bar #22566)
Lindsay Calhoun (La. Bar #35070)
Mark D. Ackal (La. Bar #41470)
Canal Place, 365 Canal Street, Suite 2000
New Orleans, Louisiana 70130-6534
Telephone: 504-566-1311
Telecopier: 504-568-9130
Email: david.patron@phelps.com
lindsay.calhoun@phelps.com
mark.ackal@phelps.com

Kyle W. Mooney (*pro hac vice*)
MORRISON & FOERSTER LLP
250 West 55th Street
New York, New York 10019
Tel: (212) 468.8000
Email: kmooney@mofo.com

John S. Douglass (*pro hac vice*)
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105-2482
Tel: (415) 268-7896
Email: jdouglass@mofo.com

Charles Calhoun Provine (*pro hac vice*)
MORRISON & FOERSTER LLP
2100 L Street, NW, Suite 900
Washington, DC 20037
Tel: (202) 492-6881
Email: cprovine@mofo.com

Attorneys for Defendant Spotify USA Inc.

CERTIFICATE OF SERVICE

I do hereby certify that I have on this 29th day of August 2025 served a copy of the foregoing on counsel for all parties to this proceeding via e-mail, and on Tijerino via certified U.S. mail and e-mail.

/s/ David L. Patrón

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ORDER

Having considered Defendant Spotify USA Inc.’s Motion to Expedite consideration of its Motion to Stay All Proceedings Pending Resolution of Defendant’s Motion to Dismiss for Improper Venue (Rec. Doc. 13);

IT IS ORDERED that the Motion to Expedite is **GRANTED** and Spotify’s Motion to Expedite consideration of its Motion to Stay All Proceedings Pending Resolution of Defendant’s Motion to Dismiss for Improper Venue (Rec. Doc. 13) shall be taken under submission on _____, 2025. Any opposition shall be filed on or by _____, 2025, and any reply shall be filed on or by _____, 2025.

New Orleans, Louisiana this _____ day of August, 2025.

HON. IVAN L.R. LEMELLE
UNITED STATES DISTRICT COURT JUDGE