

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

FUBOTV INC. and FUBOTV MEDIA INC.,

*Plaintiffs,*

-against-

THE WALT DISNEY COMPANY, ESPN,  
INC., ESPN ENTERPRISES, INC., HULU,  
LLC, FOX CORPORATION, and WARNER  
BROS. DISCOVERY, INC.,

*Defendants.*

Civil Action No. 24-cv-1363-MMG-JW

**DECLARATION OF ROBERT THUN IN  
SUPPORT OF PLAINTIFFS' MOTION  
FOR PRELIMINARY INJUNCTION**

**Declaration of Robert Thun**

I, Robert Thun, hereby declare and state as follows.

1. I am currently employed at DIRECTV, LLC (“DIRECTV”). My position with the company is Chief Content Officer.
2. I submit this Declaration in support of FuboTV Inc.’s Motion for Preliminary Injunction.
3. DIRECTV provides digital television services to millions of subscribers nationwide. These television services include sports channels, news channels, entertainment channels, children’s channels, and many others. DIRECTV’s subscribers can access DIRECTV’s packages with a satellite dish or over the internet. DIRECTV Stream offers packages of channels to stream over the internet, rather than requiring installation of a satellite dish.
4. DIRECTV competes with other television content distributors. One of the primary ways that DIRECTV competes is through the various packages it offers, including the content and price of those packages.
5. DIRECTV has grave concerns about the effect that the sports content joint venture between the defendants in this case will have on competition for the distribution of sports programming. More specifically, the joint venture partners are offering content in a manner that they do not allow DIRECTV or other distributors to offer to consumers. Rather, the joint venture partners require that DIRECTV offers a large bundle of channels and do not allow DIRECTV to offer a smaller sports-focused bundle of channels.

6. Should Raptor be permitted to launch while the joint venture partners continue to restrict DIRECTV (or other distributors) from offering a similar consumer offering, consumers will be deprived of meaningful competition from DIRECTV and others.

I declare, under penalty of perjury under the laws of the United States, that the foregoing is true and correct.

Executed April 5, 2024 at Los Angeles, California.



Robert Thun