

1 Adam M. Silverstein (197638)
 2 CAVALLUZZI & CAVALLUZZI
 3 9200 Sunset Boulevard, Suite 807
 4 Los Angeles, California 90069
 5 Telephone: (310) 246-2601
 6 Facsimile: (310) 246-2606
 7 Email: adam@cavalluzzi.com
 8 *Attorneys for Plaintiff*

9
 10 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA

11
 12 PATRICK COLLINS, INC.,
 a California corporation,

Case No. 11-cv-1180

13
 14 Plaintiff,

15 vs.

**PLAINTIFF'S MOTION TO ENLARGE
 THE TIME WITHIN WHICH IT HAS TO
 HOLD A 26(f) CONFERENCE**

16 JOHN DOES 1-10,

17
 18 Defendants.

19
 20 Pursuant to Fed. R. Civ. P. 26(d)(1), Plaintiff, Patrick Collins, Inc. moves for
 21 entry of an order enlarging the time within which Plaintiff has to hold a 26(f)
 22 conference, and states:

23
 24 1. As set forth below, good cause exists under Fed.R.Civ.P. 16(b) to
 25 enlarge the time within which Plaintiff has to hold a 26(f) conference.
 26
 27
 28

1 2. This is a copyright case against Doe Defendants known to Plaintiff only
2 by an IP address.

3 3. The true identities of the Doe Defendants are known by their respective
4 internet service providers (“ISPs”).

5
6 4. Pursuant to this Court’s order dated October 3, 2011, Plaintiff is
7 required to confer on a discovery plan no later than twenty-one (21) days prior to the
8 scheduling conference or by November 7, 2011.

9
10 5. There are four internet service providers in this case: (a) Cox
11 Communications, Inc. (2 Doe Defendants); (b) Charter Communications (2 Doe
12 Defendants); (c) Road Runner (4 Doe Defendants); and (d) Bellsouth (2 Doe
13 Defendants).
14 Defendants).

15 6. The Order Granting Motion for Leave to Serve Third Party Subpoenas
16 Prior to a Rule 26(f) Conference [DE 7] was entered on September 20th, 2011.

17
18 7. Plaintiff acted diligently to serve each of the foregoing ISPs with a
19 subpoena demanding that the ISPs provide identifying information for the Doe
20 Defendants.
21 Defendants.

22 8. Initially, the ISPs delayed the processing of the subpoenas until
23 undersigned had reached certain agreements with them about cost and requesting
24 additional documentation, such as excel spreadsheets.
25
26
27
28

1 9. Further, the ISPs had other logistical objections, each of which
2 undersigned diligently attempted to and ultimately did overcome without the
3 necessity court intervention.
4

5 10. Accordingly, Plaintiff currently expects to have the identities of the Doe
6 Defendants from each ISP by no later than November 30, 2011, two dates after the
7 scheduling conference is currently set.
8

9 11. Upon receiving the identities of the Doe Defendants from the
10 aforementioned ISP's in paragraph 5, Plaintiff will immediately begin attempting to
11 serve these Defendants.
12

13 12. After the Defendants are served, Plaintiff will email or serve by mail
14 each of the Defendants with a proposed 26(f) Scheduling Order and attempt to confer
15 with each of them regarding any proposed changes the Defendant may have to the
16 report proposed by Plaintiff. Ultimately, Plaintiff intends to file the proposed 26(f)
17 report in such a form as to indicate it is entirely agreed upon or by noting any
18 disagreements.
19

20
21 13. In In re BankAtlantic BanCorp, Inc., 2010 WL 324342, (S.D. Fla.
22 2010), the court found good cause to enlarge a discovery deadline when a party had
23 served the discovery before the discovery deadline and due to the adverse party's
24 failure to supplement its responses did not have the information it needed by the
25 deadline. BanCorp is analogous; here, Plaintiff served discovery on the ISPs well in
26 advance of this deadline and has jumped through every hoop and bent over
27
28

1 backwards to accommodate the ISPs to get the identities of the Doe Defendants. All
2 of this worked but through no fault of Plaintiff – it has taken time. The goal line is
3 now in sight and Plaintiff merely needs a short extension for which good cause has
4 been shown.
5

6 WHEREFORE, Plaintiff respectfully requests that the time within which it
7 must hold a 26(f) conference be enlarged until December 30, 2011. A proposed
8 order is attached as Exhibit A.
9

10 Respectfully submitted,

11 By: /s/ Adam M. Silverstein
12 Adam M. Silverstein (197638)
13 CAVALLUZZI & CAVALLUZZI
14 9200 Sunset Boulevard, Suite 807
15 Los Angeles, California 90069
16 Telephone: (310) 246-2601
17 Facsimile: (310) 246-2606
18 Email: adam@cavalluzzi.com
19 *Attorneys for Plaintiff*
20
21
22
23
24
25
26
27
28