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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 SECOND 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 November 21st, 2011 [DE 11], a
7 scheduling conference is scheduled for Monday, January 30, 2012 at 11:30 a.m.
8

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

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

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

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

25 9. Further, the ISPs had other logistical objections, each of which
26 undersigned diligently attempted to and ultimately did overcome without the
27 necessity court intervention.
28

1 10. Each of the ISP's has complied with the subpoenas issued with the
2 exception of SBC Internet Services, whose response remains pending as of January
3 25, 2012.

4 11. Plaintiff filed a Motion to Compel Compliance with Subpoenas [DE 16]
5 on January 10, 2012.

6 12. Upon receiving the identities of the remaining Doe Defendants from
7 SBC Internet Services, Plaintiff will immediately begin attempting to serve these
8 Defendants.
9

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

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

1 worked but through no fault of Plaintiff – it has taken time. The goal line is now in
2 sight and Plaintiff merely needs a short extension for which good cause has been
3 shown.
4

5 WHEREFORE, Plaintiff respectfully requests that the time within which it
6 must hold a 26(f) conference be enlarged until March 1, 2012. A proposed order is
7 attached as Exhibit A.
8

9 Dated: January 25, 2012

10 Respectfully submitted,

11 By: /s/ Adam M. Silverstein
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