

1 D. GILL SPERLEIN (172887)
2 THE LAW OFFICE OF GILL SPERLEIN
3 345 Grove Street
4 San Francisco, California 94102
5 Telephone: (415) 404-6615
6 Facsimile: (415) 404-6616
7 gill@sperleinlaw.com

8 MARC JOHN RANDAZZA (269535)
9 RANDAZZA LEGAL GROUP
10 6525 Warm Springs Road, Suite 100
11 Las Vegas, NV 89118
12 Telephone: 888-667-1113
13 Facsimile: 305-437-7662 (fax)
14 MJR@randazza.com

15 Attorneys for Plaintiffs,

16 **UNITED STATES DISTRICT COURT**
17 **NORTHERN DISTRICT OF CALIFORNIA**
18 **SAN FRANCISCO DIVISION**

19 IO GROUP, INC., a California corporation,
20 CHANNEL ONE RELEASING, Inc., a
21 California corporation and LIBERTY
22 MEDIA HOLDINGS, LLC., a California
23 corporation,

24 Plaintiffs,

25 vs.

26 GLBT, Ltd., a British limited company,
27 MASH and NEW, Ltd., a British limited
28 company, PORT 80, Ltd., a company of
unknown origin or structure, STEVEN
JOHN COMPTON, an individual living in
the United Kingdom, and DAVID
GRAHAM COMPTON, an individual living
in the United Kingdom.

Defendants.

)
) **CASE NO.: C-10-1282 (MMC)**
)
) **PLAINTIFF'S OPPOSITION TO**
) **JONATHAN CAPP'S MOTION TO**
) **WITHDRAW AS ATTORNEY OF**
) **RECORD**

)
)
) Date: December 23, 2011
) Time: 9:00 a.m.
) Place: Courtroom 7, 19th Floor

1 Jonathan Capp has filed a Motion to Withdraw as Counsel for all Defendants,
2 including two individual defendants and three corporate defendants. (ECF 139).

3 To the extent that Jonathan Capp has moved to with draw as attorney of record for
4 individual Defendants STEVEN JOHN COMPTON and DAVID GRAHAM COMPTON,
5 Plaintiffs do not object, provided Mr. Capp continues to accept papers on their behalf
6 through the electronic case filing system and forwards documents to the individual
7 defendants.

8 With regard to the corporate defendants, Plaintiffs note that the Court previously
9 informed the Defendants that corporate defendants may not appear in court without
10 counsel, citing *United States v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245
11 (9th Cir. 1993) (affirming entry of default judgment against corporation where corporation
12 failed to retain counsel.) (ECF 130 at fn.1). In spite of the Court's admonition,
13 Defendants have not notified the Court of substitute counsel. Moreover, Mr. Capp, in his
14 sworn declaration stated that his clients know of and support his Motion to Withdraw in
15 spite of the Court's admonition that it could enter default against unrepresented corporate
16 defendants. Capp Declaration in Support of Motion to Withdraw at ¶¶ 2-4.

17 Accordingly, Plaintiffs do not oppose Mr. Capp's Motion to Withdraw as counsel
18 for the corporate defendants, provided that concurrently with the order relieving Mr. Capp
19 as attorney of record, the Court enters default against corporate defendants, GLBT, Ltd.,
20 MASH and NEW, Ltd., and PORT 80, Ltd. However, if the Court declines to enter default
21 against the corporate defendants, Plaintiffs request that Mr. Capp remain as attorney of
22 record unless substitute counsel is arranged in advance.

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1 Furthermore, given the uncertainty created by this withdrawal, the Plaintiffs are
2 unsure as to which parties will be subject to a Motion for Summary Judgment. In light of
3 this open issue, Plaintiffs respectfully request a further extension of the time to file their
4 Motion for Summary Judgment to thirty days from the date the Court issues an Order on
5 the present Motion.

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8 Respectfully submitted,

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10 Dated: *November 15, 2011*

/s/ D. Gill Sperlein
D. GILL SPERLEIN
THE LAW OFFICE OF D. GILL SPERLEIN
Attorneys for Plaintiffs

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12
13
14 Dated: *November 15, 2011*

/s/ Marc Randazza
Marc Randazza
General Counsel
Liberty Media Holdings, LLC
Attorneys for Plaintiffs