

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

LIBERTY MEDIA HOLDINGS, LLC,

Plaintiff,

v.

RYAN FRAGA,

Defendant.

Civil Action No. 11-cv-11789-WGY

**OPPOSITION TO D.N. 12  
[MOTION FOR A SHORT EXTENSION OF TIME TO ANSWER]**

The plaintiff, Liberty Media Holdings, LLC (“Liberty”) opposes the motion filed by Mr. Ryan Fraga (“Defendant”) for a short extension of time to Answer. Defendant has provided no reason why the 45 day extension he was previously granted was not enough time to retain counsel and file an Answer. Thus, the Court should deny Defendant’s motion, or in the alternative, explicitly order that Defendant shall receive no additional extensions of time to Answer.

By way of background, Defendant failed to meet his initial Answer deadline, so a Notice of Default was issued against him on November 16, 2011. On December 8, 2011, Defendant made an appearance, requesting that the Court grant him a 45-day extension so he could retain counsel. The Court granted that motion on December 9, 2011, lifting the default and resetting Defendant’s Answer deadline to January 23, 2012.

Liberty heard nothing from Defendant until January 23, 2012, the day his Answer was due. At 2:28pm on January 23, 2012, counsel for Liberty received an email from Defendant with an attached letter setting forth Defendant’s position on the merits and threatening a counterclaim

against counsel. Defendant filed the present motion at 4:33pm on January 23, 2012, approximately two hours after sending the email to Liberty's counsel. Then at 6:26pm on January 23, 2012, counsel for Liberty received a call from a phone number belonging to Defendant. The caller hung up as soon as counsel answered and identified himself. Then at 6:45pm on January 23, 2012, Defendant called back to debate the merits of the case with counsel, seeking to get Liberty to drop its lawsuit. Needless to say, Liberty disagrees with Fraga's contentions, and it has no intention of withdrawing its valid and lawful claim for copyright infringement. No offer for settlement was made by Defendant.

Defendant's present motion requests an extension of the time to answer to see if Liberty "is in agreement with the invalidity" of its copyrights. Liberty's copyright is lawful and valid, and thus it does not agree with Defendant's contentions. In any event, a dispute over the merits is not grounds to delay the Answer. Notably, Defendant's motion does not detail any efforts to retain counsel, or provide any reason why Defendant was unable to Answer by the set deadline.

While Liberty understands that *pro se* defendants may be given latitude, Defendant's continued delays are not reasonable. There is no reason why Defendant was unable to meet the January 23 Answer deadline, and thus his motion should be denied. In the alternative, if the Court deems more time appropriate, Liberty respectfully requests that it stress that no additional extensions will be considered.

Dated: January 24, 2012

Respectfully submitted,

LIBERTY MEDIA HOLDINGS, LLC

By its attorneys,

/s/ Aaron Silverstein

Aaron Silverstein, Esq.

(BBO #660716)

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**CERTIFICATE OF SERVICE**

I hereby certify that January 24, 2012, the foregoing document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be served via first-class mail to those indicated as non-registered participants. A copy of the foregoing document has been sent via first-class mail to Defendant at the following address:

Ryan Fraga  
19 Cortes Street, Apt. 10  
Boston, MA 02116

/s/ Aaron Silverstein  
Aaron Silverstein