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6 Attorneys for Plaintiff
 BLIZZARD ENTERTAINMENT, INC.

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 10 UNITED STATES DISTRICT COURT
 11 CENTRAL DISTRICT OF CALIFORNIA

12
 13 BLIZZARD ENTERTAINMENT,
 INC.,

14 Plaintiff,

15 vs.

16 ALYSON REEVES, D/B/A
 17 SCAPEGAMING, and DOES
 1 through 5 inclusive,

18 Defendants.
 19
 20

Case No. 2:09-cv-7621-SVW-AJW

Assigned to
 Hon. Stephen V. Wilson
 Courtroom 6

PLAINTIFF BLIZZARD
 ENTERTAINMENT, INC.'S
 RESPONSE TO THE COURT'S
 ORDER TO SHOW CAUSE
 REGARDING PROSECUTION

SONNENSCHN NATH & ROSENTHAL LLP
 601 SOUTH FIGUEROA STREET, SUITE 2500
 LOS ANGELES, CALIFORNIA 90017-5704
 (213) 623-9300

1 Plaintiff Blizzard Entertainment, Inc. (“Blizzard”), hereby responds to the
2 Court’s March 24, 2010 Order to Show Cause Why This Case Should Not Be
3 Dismissed for Lack of Prosecution. Dismissal is not warranted here because
4 Blizzard has been diligently prosecuting this action, as evidenced by the following:

5 Service of Summons and Complaint. Blizzard filed the Complaint in this
6 action on October 20, 2009. Blizzard effected service of the Summons and
7 Complaint on Defendant Alyson Reeves, d/b/a Scapegaming (“Defendant”) on
8 November 4, 2009, and filed the Proof of Service of Summons and Complaint
9 with this Court on January 11, 2010. Attached as Exhibit A is a true and accurate
10 copy of the Proof of Service. There are no other remaining defendants to be
11 served with the Summons and Complaint.

12 Request for Entry of Default. Following service, Defendant never appeared
13 or responded to the Complaint. Accordingly, Blizzard filed a request for entry of
14 default on January 11, 2010, and the Clerk entered default against Defendant on
15 January 14, 2010. Attached as Exhibit B is a true and accurate copy of the certificate
16 of the Clerk of this Court as to the entry of default.

17 Settlement Efforts. Following the entry of default, Blizzard made repeated
18 attempts to contact Defendant to discuss and facilitate settlement of this matter.

19 Motion for Default Judgment. In the interim, Blizzard has been diligently
20 preparing a motion for default judgment and entry of a permanent injunction.
21 In support of its motion, Blizzard has engaged in a time consuming and labor
22 intensive investigation of Defendant’s myriad infringing activities to support its
23 claim for statutory damages under the Digital Millenium Copyright Act.¹ Blizzard
24 anticipates filing the motion for default judgment shortly.

25
26
27 ¹ The Digital Millenium Copyright Act, 17 U.S.C. § 1203(c)(3)(A), provides in relevant
28 part that “a complaining party may elect to recover an award of statutory damages for
each violation of section 1201 in the sum of not less than \$200 or more than \$2,500 per
act of circumvention, device, product, component, offer, or performance of service. . .”

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1 In sum, Blizzard submits that it has been diligently prosecuting this matter,
2 and respectfully requests that this action not be dismissed for lack of prosecution.

3 Dated: April 7, 2010

SONNENSCHN NATH & ROSENTHAL LLP

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5 By _____ /s/ Bonnie Lau
6 BONNIE LAU

7 Attorneys for Plaintiff
8 BLIZZARD ENTERTAINMENT, INC.
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Exhibit A

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

Blizzard Entertainment, Inc.)
)
Plaintiff(s),)
)
Vs.)
)
Alyson Reeves, D/B/A Scapegaming and)
DOES 1 through 5 inclusive,)
)
Defendant(s),)

CIVIL ACTION NO.:
CV09-7621MMMAJWx

AFFIDAVIT OF SERVICE

I served the original of the Summons (1 page), Complaint (24 pages), Civil Cover Sheet (2 pages), Certification of Interested Parties (2 pages), Local Rules (7 pages), Notice to Parties of ADR Pilot Program (3 pages) and Notice of Assignment to United States Magistrate Judge for Discovery (1 page) upon Mrs. Alyson Reeves by hand-delivering same:

- (a) PERSON SERVED: Alyson Reeves
- (b) ADDRESS WHERE SERVED: 830 Wilmington Island Rd. Savannah, GA 31410
- (c) DATE OF SERVICE: 4 November 2009
- (d) TIME OF DELIVERY: 1:12 pm

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

Executed on 4 November 2009.

Andrea Swanson
Notary

Frank H. Rimsek
Frank H. Rimsek
SISC, Inc.
PO Box 435, Rincon, GA 31326
GA PI LIC#PDE048287

Notary Public, Effingham County, Georgia
My Commission Expires June 26, 2010

Exhibit B

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

Blizzard Entertainment, Inc.,

PLAINTIFF(S)

v.

Alyson Reeves

DEFENDANT(S).

CASE NUMBER

CV09-7621-MMM(AJWx)

**DEFAULT BY CLERK
F.R.Civ.P. 55(a)**

It appearing from the records in the above-entitled action that summons has been served upon the defendant(s) named below, and it further appearing from the affidavit of counsel for Plaintiff, and other evidence as required by F.R.Civ.P. 55(a), that each of the below defendants have failed to plead or otherwise defend in said action as directed in said Summons and as provided in the Federal Rules of Civil Procedure:

Now, therefore, on request of counsel, the DEFAULT of each of the following named defendant(s) is hereby entered:

Alyson Reeves, dba Scapegaming

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Clerk, U. S. District Court

January 14, 2010

Date

By Brent Pacillas

Deputy Clerk