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8 Attorney for Plaintiff  
 9 IO GROUP, INC.

10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN FRANCISCO DIVISION**

13 IO GROUP, INC. d/b/a TITAN MEDIA, a  
 14 California corporation,

15 Plaintiff,

16 vs.

17 ANTELOPE MEDIA, LLC, an  
 18 Arizonian limited liability company,  
 19 SUNRISE MEDIA, Ltd., a British  
 20 Limited Company, MIKE HERMANN,  
 21 a.k.a. MAIK HERRMANN, a resident  
 22 of Germany; THORSTEN PALICKI, a  
 23 resident of Germany; NEWHAVEN, a  
 24 Dutch business entity, type unknown,  
 25 PATRICK SCHWARZ, a resident of  
 26 the Netherlands, and DOES 1 through 9  
 27 inclusive,

28 Defendants.

)  
 ) **CASE NO.: C-08-4050 (MMC)**  
 )  
 ) **PLAINTIFF’S MISCELLANEOUS**  
 ) **ADMINISTRATIVE REQUEST TO EXTEND**  
 ) **DEADLINE TO SERVE DEFENDANT**  
 ) **SUNRISE MEDIA, LTD., and [PROPOSED]**  
 ) **ORDER**

) **No Hearing**

29 Pursuant to Local Rule 7-11, Plaintiff requests that the Court extend the deadline to serve  
 30 Defendant Sunrise Media, Ltd. Stipulation for this motion could not be achieved because no

1 defendants have appeared. The Court has once previously extended the deadline for service upon  
2 defendants.

### 3 **PROCEDURAL AND FACTUAL BACKGROUND**

4  
5 On August 25, 2008, Plaintiff filed a Complaint for Copyright Infringement and other  
6 claims against Defendant Antelope Media, an Arizona limited liability company. Plaintiff served  
7 the Summons and Complaint on Antelope Media, LLC and it immediately dissolved. Its sole  
8 members/managers, Mike Herrmann and Thorsten Palicki, formed a new company in Great  
9 Britain, Sunrise Media, Ltd., and transferred assets to the newly formed company. Plaintiff  
10 amended its Complaint to name Sunrise Media, Ltd Herrmann and Palicki. Plaintiff also added a  
11 claim for fraudulent transfer.  
12

13 On June 1, 2009 the Court Ordered Plaintiff to serve all defendants no later than  
14 September 25, 2009. Plaintiff served Defendants Palicki and Herrman on August 7<sup>th</sup> and 8<sup>th</sup> 2009  
15 respectively. Sperlein Declaration at ¶2. At Palicki and Herrmann's request, the Court extended  
16 until October 2, 2009 the deadline for them to file a pleading responsive to the Second Amended  
17 Complaint.  
18

19 Plaintiff now suspects that two additionally named defendants, Patrick Schwarz and  
20 Newhaven Corp, are aliases. Plaintiff has ceased efforts to serve Schwarz and Newhaven, but  
21 wishes to reserve the right to seek leave to serve them if discovery should reveal they actually  
22 exist. Thus, the only Defendant remaining to be served is Sunrise Media, Ltd.  
23

24 On March 20, 2009, Plaintiff attempted to serve Sunrise Media via registered mail as  
25 provided for in the Federal Rules for Civil Procedure and permitted under the Hague Convention.  
26 Sperlein Declaration at ¶3. Within a week the U.S. Post Office website reported the package  
27 containing the Summons and Complaint had been successfully delivered, but the Post Office  
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~~[PROPOSED]~~ ORDER

Having considered Plaintiff's Miscellaneous Administrative Request Pursuant to Local Rule 7-11 to Extend Deadline to Serve Defendants, Sunrise Media, Ltd., and finding good cause therefore,

**IT IS HEREBY ORDERED**, that the deadline for serving Defendant Sunrise Media, Ltd. in this matter shall be extended sixty (60) days from the date of this order.

~~[ALTERNATIVELY]~~

~~**IT IS HEREBY ORDERED**, that based on the facts set forth in Plaintiff's Miscellaneous Administrative Request to Extend Deadline to Serve Defendant Sunrise Media, Ltd., the Court finds that Plaintiff's efforts have resulted in valid service upon Sunrise Media, Ltd.~~


~~**IT IS FURTHER ORDERED**, that Sunrise Media, Ltd. shall have until \_\_\_\_\_ to file a pleading responsive to the Second Amended Complaint.~~

**IT IS FURTHER ORDERED**, that Plaintiff shall send a copy of this order to Defendant Sunrise Media, Ltd at its registered business address as set forth below:

Sunrise Media, Ltd  
69 Great Hampton Street  
Birmingham  
United Kingdom  
B16 6EW

IT IS FURTHER ORDERED that Plaintiff's claims against Patrick Schwarz and Newhaven are DISMISSED without prejudice, pursuant to Rule 4(m) of the Federal Rules of Civil Procedure.

Dated: September 28, 2009

  
MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE