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8 Attorneys for Plaintiff  
 ZYNGA GAME NETWORK INC.

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

13 ZYNGA GAME NETWORK INC., a Delaware  
 14 corporation

15  
 16 Plaintiff,

17 v.

18 NADIR ERKAN and YUSUF DINCER

19 Defendants.

**CASE NO. CV-09:3264 SC**

**MOTION TO CONTINUE OR STRIKE  
 CASE MANAGEMENT CONFERENCE;  
 AND**

**MEMORANDUM OF POINTS AND  
 AUTHORITIES**

**No Hearing Date Requested**

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**MOTION**

Plaintiff Zynga Game Network Inc. (“Zynga”) hereby moves the Court pursuant to Civil Local Rules 6-3 and 7-11 for an order continuing or striking the Case Management Conference currently scheduled for April 30, 2010. This motion is based on the Motion, the declaration of Christopher Varas, the [Proposed] Order, all pleadings on file in this action, and any other matter that may be submitted in support of the motion.

**ISSUE TO BE DECIDED**

Whether the Case Management Conference currently scheduled for April 30, 2010 shall be continued or stricken.

**MEMORANDUM OF POINTS AND AUTHORITIES**

**I. INTRODUCTION**

Plaintiff Zynga Game Network Inc. (“Zynga”) respectfully requests that the Court continue or strike the Case Management Conference currently scheduled for April 30, 2010.

**II. FACTS**

The Court originally scheduled the Case Management Conference for November 20, 2009. (Dkt. No. 9.) On October 29, 2009, the Court continued the Case Management Conference until April 30, 2010. (Dkt. No. 24.) On March 4, 2010, the Court authorized Zynga to serve the defendants in the case by electronic mail. (Dkt. No. 33.) Zynga served the defendants with process on March 22, 2010. (Dkt. No. 37.) Neither of the defendants answered Zynga’s complaint within the time required by the Federal Rules of Civil Procedure and neither has answered the complaint to this day. Zynga’s request for entry of default against the defendants was filed on April 16, 2010 and is currently pending before the Court. (Dkt. No. 38.)

**III. ARGUMENT**

There is good cause to continue or strike the Case Management Conference in this case. Because the defendants have not participated in the litigation, Zynga has been unable to conduct the conference required by Federal Rule of Civil Procedure (“Federal Rule”) 26(f)(1). (Declaration of

1 Christopher Varas in Support of Zynga’s Motion to Continue or Strike Case Management  
2 Conference (“Varas Decl.”), ¶ 2.) Accordingly, Zynga is unable to file the joint case management  
3 statement required by Federal Rule 26(f)(2) and Civil Local Rule 16-9. Id. Accordingly, it is  
4 impractical for the Case Management Conference to proceed as scheduled on April 30, 2010.

5 Moreover, it is highly unlikely that the Case Management Conference will be held at all.  
6 Defendants are located overseas and have not participated in this litigation in any way since being  
7 served with process. (Varas Decl., ¶ 3.) Once the Court has entered the defendants’ default, Zynga  
8 intends to file a motion for default judgment against them. (Id., ¶ 4.) Accordingly, there is good  
9 cause for the Court to: 1) continue the Case Management Conference to a date far enough in the  
10 future for default proceedings to be completed; or 2) strike the Case Management Conference from  
11 the Court’s calendar. In the event the Court continues the Case Management Conference, Zynga  
12 respectfully proposes that the conference be continued until July 9, 2010, or another date that is  
13 convenient for the Court.

14 **IV. CONCLUSION**

15 For the foregoing reasons, Zynga respectfully requests that the Court issue an order  
16 continuing or striking the Case Management Conference. A proposed order is submitted herewith.  
17 Zynga is prepared to any additional information the Court may request regarding this Motion.

18  
19  
20 Dated: April 22, 2010

By: \_\_\_\_\_/ctv/

Christopher T. Varas  
Keats McFarland & Wilson LLP  
Attorneys for Plaintiff  
ZYNGA GAME NETWORK INC.

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**PROOF OF SERVICE**  
**Zynga Game Network Inc. v. Nadir Erkan and Yusuf Dincer**  
**U.S.D.C., Northern District of California**  
**Case No. CV 09-03264 SC**

I, the undersigned, say: I am and was at all times herein mentioned a resident of the County of Los Angeles, over the age of eighteen (18) years and not a party to the within action or proceeding. My business address is 9720 Wilshire Boulevard, Penthouse Suite, Beverly Hills, California 90212, and I am employed in the office of Keats McFarland & Wilson LLP, by a member of the Bar of this Court, at whose direction the service mentioned herein below was made.

On April 22, 2010, pursuant to the Court's Order Authorizing Plaintiff to Serve Defendants with Process by Electronic Mail (Doc. 33) filed March 4, 2010, I served the document(s) listed below entitled:

- 1) **MOTION TO CONTINUE OR STRIKE CASE MANAGEMENT CONFERENCE; AND MEMORANDUM OF POINTS AND AUTHORITIES**
- 2) **[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO CONTINUE OR STRIKE CASE MANAGEMENT CONFERENCE**
- 3) **DECLARATION OF CHRISTOPHER VARAS IN SUPPORT OF ZYNGA'S MOTION TO CONTINUE OR STRIKE CASE MANAGEMENT CONFERENCE**

upon defendants Nadir Erkan and Yusuf Dincer at the following e-mail addresses:

'softoem@gmail.com'; 'aysesonmez18@gmail.com'; 'yusuf.dincer@gmail.com';  
'info@buyfacebookchips.net'; 'pokerchips@realchips.net'; 'info@chipsover.com';  
'info@realchips.net'; 'msn@chipsover.com'; 'info@ebookparts.com';  
'msn@realchips.net'; 'bilgi@yazaformdagir.com'; 'nadirerkan@gmail.com';  
'biwolski@gmail.com'; 'prof43\_18@hotmail.com'; 'brett-1979@live.com';  
'cafu\_loh@hotmail.com'; 'oteller1@gmail.com'; 'opklba@gmail.com';  
'zerocool900@hotmail.com'; 'erdaltop1@gmail.com'; 'nadirerkan@hotmail.com';  
'chipseller.support@gmail.com'; 'msn@chipsbox.com'; 'chipsbox@gmail.com';  
'info@chipsbox.com'; 'chipsover@gmail.com'; 'realchips.net@gmail.com'

BY PDF ELECTRONIC MAIL: On April 22, 2010, from my computer I simultaneously transmitted to the named defendants in this case via electronic mail sent to the electronic addresses above a copy (in pdf form) of each of the foregoing document(s).

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

Executed on April 22, 2010, at Beverly Hills, California.

s/Darrell V. Orme Mann

Darrell V. Orme Mann

1 Larry W. McFarland (Bar No. 129668)  
E-Mail: lmcfarland@kmwlaw.com  
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10 UNITED STATES DISTRICT COURT  
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**CASE NO. CV-09:3264 SC**

**~~[PROPOSED]~~ ORDER GRANTING  
PLAINTIFF'S MOTION TO CONTINUE  
OR STRIKE CASE MANAGEMENT  
CONFERENCE**

1 THE COURT, having considered Plaintiff Zynga Game Network Inc.'s ("Zynga's") motion  
2 to continue or strike the Case Management Conference currently scheduled for April 30, 2010, and  
3 having reviewed the supporting declaration of Christopher Varas and the other pleadings on file in  
4 this case, and finding good cause, hereby GRANTS Zynga's motion.

5 It is hereby ORDERED that the Case Management Conference in this matter shall be:

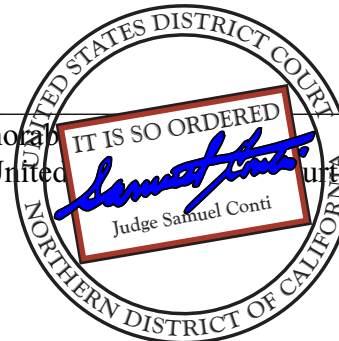
6 \_\_\_\_\_ Stricken from the Court's calendar.

7  X  Continued until  July 23, 2010 at 10:00 a.m.

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9 IT IS SO ORDERED

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12 ENTERED THIS  26  DAY OF  April , 2010

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14 The Honorable \_\_\_\_\_  
15 Senior United States District Judge



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**PROOF OF SERVICE**  
**Zynga Game Network Inc. v. Nadir Erkan and Yusuf Dincer**  
**U.S.D.C., Northern District of California**  
**Case No. CV 09-03264 SC**

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upon defendants Nadir Erkan and Yusuf Dincer at the following e-mail addresses:

'softoem@gmail.com'; 'aysesonmez18@gmail.com'; 'yusuf.dincer@gmail.com';  
'info@buyfacebookchips.net'; 'pokerchips@realchips.net'; 'info@chipsover.com';  
'info@realchips.net'; 'msn@chipsover.com'; 'info@ebookparts.com';  
'msn@realchips.net'; 'bilgi@yazaformdagir.com'; 'nadirerkan@gmail.com';  
'biwolski@gmail.com'; 'prof43\_18@hotmail.com'; 'brett-1979@live.com';  
'cafu\_loh@hotmail.com'; 'oteller1@gmail.com'; 'opklba@gmail.com';  
'zerocool900@hotmail.com'; 'erdaltop1@gmail.com'; 'nadirerkan@hotmail.com';  
'chipseller.support@gmail.com'; 'msn@chipsbox.com'; 'chipsbox@gmail.com';  
'info@chipsbox.com'; 'chipsover@gmail.com'; 'realchips.net@gmail.com'

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BY PDF ELECTRONIC MAIL: On April 22, 2010, from my computer I simultaneously transmitted to the named defendants in this case via electronic mail sent to the electronic addresses above a copy (in pdf form) of each of the foregoing document(s).

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

Executed on April 22, 2010, at Beverly Hills, California.

27  
28

s/Darrell V. Orme Mann

Darrell V. Orme Mann