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5 Attorney for Defendant
 GEORGE HOTZ

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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SAN FRANCISCO DIVISION

11 SONY COMPUTER ENTERTAINMENT
 AMERICA LLC, a Delaware limited
 12 liability company,

13 Plaintiff,

14 v.

15 GEORGE HOTZ; HECTOR MARTIN
 CANTERO; SVEN PETER; and DOES 1
 16 through 100,

17 Defendants.

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CASE No.: CV 11-00167 SI

**MOTION FOR AN ORDER
 SHORTENING TIME FOR HEARING
 MOTION FOR HEARING ON
 TEMPORARY RESTRAINING ORDER**

L.R. 6-3(c)

Date: TBD
 Time: 9:00 a.m.
 Courtroom: 10, 19th Floor
 Judge: Hon. Susan Illston

1 **NOTICE OF MOTION AND MOTION FOR ORDER SHORTENING TIME**

2 Now comes Defendant George Hotz by and through his attorney of record who pursuant
3 to Local Rule 6-3(c) respectfully moves this Court for an Order Shortening Time to February
4 10, 2011 for Hearing Motion For Leave To File Motion For Reconsideration [Dkt. No. 55].

5 Local Rule 7-2(a) requires motions to be noticed no fewer than 35 days from the filing
6 date. However, as set forth below, Mr. Hotz urgently needs to expedite his Motion for Hearing
7 on Temporary Restraining Order (“TRO”) [Dkt. No. 50] because under the TRO, Mr. Hotz is
8 required to surrender his hard drives and other storage devices to Plaintiff SCEA by **February**
9 **10, 2011**. Mr. Hotz will be severely prejudiced, and at risk of substantial harm, if his Motion for
10 Hearing on TRO is not heard on a shortened basis.

11 Accordingly, Mr. Hotz requests an Order Shortening Time so that its motion can be heard
12 on February 10, 2011. This motion is based upon the Memorandum of Points and Authorities
13 herein, the accompanying Declaration of Stewart Kellar In Support of Motion for Hearing on
14 Temporary Restraining Order (“Kellar Decl.”), [Proposed] Order Granting Motion for Hearing
15 on Temporary Restraining Order, and any other evidence that may be presented at or before the
16 hearing on this motion.

17 **MEMORANDUM OF POINTS AND AUTHORITIES**

18 **I. BACKGROUND**

19 On January 11, 2011, Sony Computer Entertainment America, LLC (“SCEA”) filed a
20 complaint against Mr. Hotz and moved for a TRO against Mr. Hotz. On January 14, 2011, this
21 court held a hearing that limited questions to the issue of personal jurisdiction over Mr. Hotz.
22 The parties were instructed to submit additional materials bearing on the issue of personal
23 jurisdiction. The merits of the TRO were not discussed. On January 27, 2011, without a
24 hearing on the merits of the TRO itself, this Court granted the TRO, which was written by
25 SCEA. Accordingly, Mr. Hotz was denied a hearing to raise issues regarding the overbreadth,
26 vagueness and other objectionable requirements of the TRO.

27 Mr. Hotz filed a Motion for Leave to file a Motion for Reconsideration of the TRO but
28 has received no response from the Court. SCEA did not agree to allow Mr. Hotza hearing to

1 dispute the merits of the TRO, thus Mr. Hotz was forced to file his Motion for Hearing on
2 Temporary Restraining Order. Kellar Decl. ¶3.

3 **II. MR. HOTZ WILL BE SEVERELY PREJUDICED AND IS AT RISK OF**
4 **SUBSTANTIAL HARM IF AN ORDER SHORTENING TIME TO HEAR ITS**
5 **MOTION FOR HEARING ON TRO IS NOT GRANTED.**

6 Due to the fact that Mr. Hotz’s hard drives and storage devices are scheduled to be
7 impounded on February 10, 2011, Mr. Hotz’s motion is only effective if it is heard prior to the
8 impoundment order taking effect. Mr. Hotz needs this hearing to limit the over breadth and
9 vagueness of the TRO and be free from restraints that amount to a prior restraint on speech.
10 Kellar Decl. ¶¶2, 6.

11 Mr. Hotz meets the requirements for an order shortening time. The Declaration of
12 Stewart Kellar sets forth the requirements under Local Rule 6-3(a)(1)-(6).

13 **III. CONCLUSION**

14 For the foregoing reasons, Mr. Hotz respectfully requests that the Court grant its Motion
15 for an Order Shortening Time for Motion for Hearing TRO.

16 DATED: February 8, 2011

17 Respectfully Submitted,

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19 /s/ Stewart Kellar

20 STEWART KELLAR

21 Attorney for Defendant
22 GEORGE HOTZ
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CERTIFICATE OF SERVICE

[C.C.P. §§ 1011 and 1013, C.R.C. § 2008, F.R.C.P. Rule 5, F.R.A.P. 25]

I declare that I am employed in the City and County of San Francisco, California; I am over the age of 18 years and not a party to the within action; my business address is 148 Townsend Street, Suite 2, San Francisco, CA 94107. On the date set forth below, I served a true and accurate copy of the document(s) entitled:

- **MOTION FOR HEARING ON TEMPORARY RESTRAINING ORDER**
- **MOTION FOR AN ORDER SHORTENING TIME FOR HEARING MOTION FOR HEARING ON TEMPORARY RESTRAINING ORDER**
- **DECLARATION OF STEWART KELLAR IN SUPPORT OF MOTION FOR AN ORDER SHORTENING TIME FOR HEARING MOTION FOR HEARING ON TEMPORARY RESTRAINING ORDER**
- **[PROPOSED] ORDER GRANTING MOTION TO SHORTEN TIME**

on the party(ies) in this action by placing said copy(ies) in a sealed envelope each addressed as follows:

KILPATRICK TOWNSEND & STOCKTON LLP
 RYAN T. BRICKER. (State Bar No. 269100)
 Two Embarcadero Center Eighth Floor
 San Francisco, CA 94111
 Telephone: (415) 576-0200
 Facsimile: (415) 576-0300
 Email: rbricker@kilpatricktownsend.com
 Attorney for Plaintiff

- [By First Class Mail] I am readily familiar with my employer's practice for collecting and processing documents for mailing with the United States Postal Service. On the date listed herein, following ordinary business practice, I served the within document(s) at my place of business, by placing a true copy thereof, enclosed in a sealed envelope, with postage thereon fully prepaid, for collection and mailing with the United States Postal Service where it would be deposited with the United States Postal Service that same day in the ordinary course of business.
- [By Overnight Courier] I caused each envelope to be delivered by a commercial carrier service for overnight delivery to the offices of the addressee(s).
- [By Hand] I directed each envelope to the party(ies) so designated on the service list to be delivered by courier this date.
- [By Facsimile Transmission] I caused said document to be sent by facsimile transmission to the fax number indicated for the party(ies) listed above.
- [By Electronic Transmission] I caused said document to be sent by electronic transmission to the e-mail address(es) indicated for the party(ies) listed above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this date at San Francisco, California.

Dated: February 8, 2011

_____/s/ Stewart Kellar

Stewart Kellar