

1 J. Noah Hagey, Esq. (SBN: 262331)
hagey@braunhagey.com
 2 Greg A. Call, Esq. (SBN: 227588)
call@braunhagey.com
 3 Alfredo W. Amoedo, Esq. (SBN: 287901)
amoedo@braunhagey.com
 4 BRAUNHAGEY & BORDEN LLP
 220 Sansome Street, 2nd Floor
 5 San Francisco, CA 94104
 Telephone: (415) 599-0210
 6 Facsimile: (415) 276-1808
 7 ATTORNEYS FOR PLAINTIFF TAGGED, INC.

8
 9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**
 12

13 TAGGED, INC., a Delaware corporation,	)	Case No. C 13-02256 CRB
)	
14 PLAINTIFF,	)	ORDER AND JOINT REQUEST TO
	)	CONTINUE MAY 9, 2014 CASE
15 v.	)	MANAGEMENT CONFERENCE
)	
16 ROSTISLAV "ROSS" GOLDENBERG,)	
MUNDO MEDIA, LTD., and Does 1 through 50	)	Dep't: Courtroom 6, 17th Floor
17 and 52 through 200 as alter egos, affiliate	)	Before: Hon. Charles R. Breyer
spammers, programs, and fraudulently marketed)	
18 websites,	)	Compl. Filed: May 16, 2013
	)	Amd. Compl.: December 10, 2013
19 DEFENDANTS.	)	2nd Amd. Compl.: April 16, 2014
	)	Trial Date: None

20
 21
 22 WHEREAS, on May 16, 2013, Plaintiff Tagged, Inc. ("Plaintiff") filed the Complaint
 23 initiating this action and asserting various claims against Defendant Rostislav Goldenberg
 24 ("Goldenberg") including: (1) Violation of CAN-SPAM, 15 U.S.C. § 7701, *et seq.*; (2) Violation of
 25 CFAA, 18 U.S.C. § 1030; (3) Violation of Cal. Bus. & Prof. Code § 17529.5; (4) Violation of Cal.
 26 Penal Code § 502; (5) Fraud; and (6) Violation of Cal. Bus. & Prof. Code § 17200;

1 WHEREAS, on December 10, 2013, Plaintiff filed the First Amended Complaint,
2 substituting for one of the named affiliate program Doe Defendants Mundo Media, Ltd. (“Mundo
3 Media”), and asserting the same claims as those identified above;

4 WHEREAS, on April 16, 2014, Plaintiff filed the Second Amended Complaint, substituting
5 for one of the Doe Defendants DG International, Ltd. (“DG”), and asserting the same claims as
6 those identified above;

7 WHEREAS, Mundo Media has yet to make an appearance in this action;

8 WHEREAS, Plaintiff is in the process of serving DG;

9 WHEREAS, Plaintiff and Goldenberg have entered into a settlement agreement whereby
10 Goldenberg has covenanted that he will refrain from accessing Tagged’s website and systems, will
11 refrain from engaging in any spamming activity as alleged in the complaints, and will assist Tagged
12 in its investigation of the spamming attacks;

13 WHEREAS, Plaintiff has dismissed Goldenberg in his individual capacity without
14 prejudice; and

15 WHEREAS, Plaintiff and Mundo Media are engaged in confidential settlement
16 negotiations, and Plaintiff believes that in order to effectuate those negotiations, avoid unnecessary
17 costs and fees, and preserve judicial resources, the Case Management Conference currently
18 scheduled for May 9, 2014, should be postponed by at least 30 days, to June 9, 2014, or as soon
19 thereafter as is convenient for the Court.

20 NOW THEREFORE, Plaintiff and Mundo Media respectfully request for the same
21 foregoing reasons and pursuant to the Court’s Standing Order No. 4, the Case Management
22 Conference currently scheduled for May 9, 2014 be continued 30 days, until June 5, 2014, or any
23 time thereafter subject to the convenience of the Court.

24 //

25 //

26 //

27 //

28 //

1 Dated: May 6, 2014

Respectfully Submitted,

2

BRAUNHAGEY & BORDEN LLP

3

4

By: /s/ J. Noah Hagey
J. Noah Hagey

5

Attorneys for Plaintiff Tagged, Inc.

6

7 Dated: May 6, 2014

MORGAN, LEWIS & BOCKIUS LLP

8

9

By: /s/ Brian M. Jazaeri
Brian M. Jazaeri

10

Attorneys for Defendant Mundo Media, Ltd.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

1 FILER'S ATTESTATION

2 Pursuant to Local Rule 5-1(i)(3), counsel for Plaintiff Tagged, Inc. attests that concurrence
3 in the filing of this document has been obtained from Brian M. Jazaeri, counsel for Defendant
4 Mundo Media.

5
6 Dated: May 6, 2014

BRAUNHAGEY & BORDEN LLP

7
8 By: /s/ J. Noah Hagey
J. Noah Hagey

9 Attorneys for Plaintiff Tagged, Inc.
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

The Court has considered the joint stipulation of the parties and finds good cause exists to postpone the Case Management Conference currently scheduled for May 9, 2014 to June 6, 2014.

IT IS SO ORDERED.

Dated: May 5, 2014

