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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MALIBU MEDIA, LLC,
Plaintiff,

No. C 15-04441 WHA

v.

JOHN DOE Subscriber Assigned IP
Address 76.126.99.126,
Defendant.

**ORDER DENYING REQUEST
TO CONTINUE TRIAL**


And All Related Cross-Actions.

Malibu Media seeks to continue the trial due to the unavailability of its expert. Malibu Media’s motion is supported by the declaration of Attorney Anthony Lupu, who avers that Expert Michael Patzer will be unavailable to testify because he will be moving from Spain to Thailand “in March 2017, during the time of the trial.” There is no sworn record by Patzer himself, and Attorney Lupu’s declaration offers no further detail about the timing of Expert Patzer’s move.

Moreover, even accepting Attorney Lupu’s statements about Expert Patzer’s move as true, Expert Patzer could still find the time to travel to the United States to testify amid his international move. Malibu Media has known of this trial date since March 2016. Its failure to have its expert block out the scheduled trial dates in advance is not a reason to continue the trial.

IT IS SO ORDERED.

Dated: February 22, 2017.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE