

1 Larry W. McFarland (Bar No. 129668)
 E-Mail: lmcfarland@kmwlaw.com
 2 Dennis Wilson (Bar No. 155407)
 E-Mail: dwilson@kmwlaw.com
 3 David K. Caplan (Bar No. 181174)
 E-Mail: dcaplan@kmwlaw.com
 4 Tara D. Rose (Bar No. 256079)
 E-Mail: trose@kmwlaw.com
 5 KEATS McFARLAND & WILSON LLP
 9720 Wilshire Boulevard
 6 Penthouse Suite
 Beverly Hills, California 90212
 7 Telephone: (310) 248-3830
 Facsimile: (310) 860-0363
 8
 Attorneys for Plaintiff
 9 ZYNGA GAME NETWORK INC.

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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION
 14

15 ZYNGA GAME NETWORK INC., a Delaware
 Corporation,
 16
 17 Plaintiff,
 18 v.
 19 JASON WILLIAMS, an individual, LUNA
 MARTINI, an individual, and JOHN DOES 1-5
 20 D/B/A MW GROUP
 21 Defendants.
 22

CASE NO. CV-10:01022 JF (PVTx)

**MOTION TO CONTINUE 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 the Case Management Conference. This motion is based on the Motion, the Declaration of Tara D. Rose, 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 June 11, 2010 shall be continued.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Plaintiff Zynga Game Network Inc. (“Zynga”) respectfully requests that the Court continue the Case Management Conference currently scheduled for June 11, 2010 at 10:30 a.m.

II. FACTS

The Court has scheduled the Case Management Conference for June 11, 2010. (Dkt. No. 7) Rule 26(f)(1) requires the Parties to meet and confer regarding case management issues no later than twenty-one (21) days prior to the Case Management Conference. In this case, the deadline for the conference to occur is Tuesday, May 18, 2010.

Zynga unsuccessfully attempted to serve Defendants at the physical addresses listed for Defendants in the Whois database information Domain History for the Internet domain names MWBLACKMARKET.COM and MWFEXPRESS.COM. (Declaration of Tara D. Rose in Support of Zynga’s Motion to Continue Case Management Conference (“Rose Decl.”) ¶ 4.) The physical address listed in the Whois database information for MWBLACKMARKET.COM is not a home or business address for Defendants, but rather is a UPS Depot from which cargo trucks and vans are dispatched. (See Rose Decl. ¶ 5, Ex. 1.) The physical address listed in the Whois database information for MWFEXPRESS.COM does not exist in the city listed for the domain name. (See *id.* ¶ 6, Ex. 2.) The physical address listed in the Whois database information for MAFIAWARSDIRECT.COM is for Indiana University East and the Whois database address did not

1 include a suite, dorm or office number necessary to locate a person or entity at the University. (*See*
2 *id.* ¶¶ 7-8, Exs. 3-4.)¹

3 On May 12, 2010, Zynga filed a Motion for Leave to Conduct Third Party Discovery to
4 confirm the identities and locations of the defendants in this case (Dkt. Nos. 9-11). The Motion for
5 Leave to Conduct Third Party Discovery is currently pending before this Court. If the Court grants
6 Zynga's Motion for Leave to Conduct Third Party Discovery, Zynga expects that it will be able to
7 complete third party discovery and undertake appropriate efforts to perfect service on Defendants
8 within 120 days of the date the Court authorizes Zynga to proceed with third party discovery.

9 III. ARGUMENT

10 There is good cause to continue the Case Management Conference in this case. Zynga has
11 not yet confirmed Defendants' identities and locations, and as a result is unable to serve Defendants
12 with sufficient time for the parties to meet and confer ahead of the Case Management Conference as
13 required by Rule 26(f). *See* Rose Decl. ¶ 2. A continuance of the Case Management Conference
14 will allow Zynga to serve Defendants with process with sufficient time for the parties to meet and
15 confer prior to the conference.²

16 Although it is difficult to predict the amount of time it will take to serve Defendants without
17 knowing the identities and locations of Defendants, assuming the Court grants Zynga's Motion for
18 Leave to Conduct Third Party Discovery and assuming Defendants are located within the United
19 States, Zynga is optimistic that it can serve Defendants by the end of July 2010. Allowing time for
20 Defendants to answer Zynga's Complaint, Zynga respectfully requests that the Court continue the
21 Case Management Conference until Friday, August 27, 2010, or such other date as is convenient for
22 the Court.

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27 ¹ Therefore, Zynga did not attempt to serve Defendants at this address.

28 ² The fact that Zynga has not yet been able to serve Defendants also prevents Zynga from presenting
the instant motion as a stipulation. *See* Rose Decl. ¶ 3.

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IV. CONCLUSION

For the foregoing reasons, Zynga respectfully requests that the Court issue an order continuing the Case Management Conference in this matter. Zynga will gladly provide any additional information the Court may request regarding this Motion.

Dated: May 17, 2010

By: _____ /s/

David K. Caplan
Keats McFarland & Wilson LLP
Attorneys for Plaintiff
ZYNGA GAME NETWORK INC.