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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN JOSE DIVISION
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15 ZYNGA GAME NETWORK INC., a Delaware
 Corporation,
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 17 Plaintiff,
 18 v.
 19 JASON WILLIAMS, an individual, LUNA
 MARTINI, an individual, WAN-WEN KUO, an
 20 individual, and JOHN DOES 4-5 D/B/A MW
 GROUP
 21 Defendants.
 22

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

**PLAINTIFF'S SIXTH MOTION TO
 CONTINUE OR VACATE CASE
 MANAGEMENT CONFERENCE; AND**

**MEMORANDUM OF POINTS AND
 AUTHORITIES**

No Hearing Date Requested

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MOTION

Plaintiff Zynga Inc. (“Zynga”) hereby moves the Court pursuant to Civil Local Rule 7-11 for an order continuing the Case Management Conference in this matter. This motion is based on the Motion, the declaration of David K. Caplan, 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 May 13, 2011 shall be continued.

MEMORANDUM OF POINTS AND AUTHORITIES

I. INTRODUCTION

Zynga respectfully requests that the Court continue or vacate the Case Management Conference currently scheduled for May 13, 2011.

II. FACTS

On September 7, 2010, Zynga filed its First Amended Complaint. (Dkt. No. 22.)

On October 8, 2010, Zynga filed its motion for leave to serve the defendants Jason Williams, Luna Martini and Wan-Wen Kuo (“Defendants”) in this case by electronic mail (“e-mail”). (Dkt. No. 26.) On March 25, 2011, the Court granted Zynga’s motion authorizing Zynga to serve the Defendants by e-mail. (Dkt. No. 35.) On March 28, 2011, Zynga served the Defendants with the Summons, First Amended Complaint and documents required by Civil Local Rule 4-2 by e-mail. (See Dkt. No. 36.) Based on this date, the Defendants were required to respond to Zynga’s First Amended Complaint on or before April 18, 2011. To date, Defendants have not filed a response to Zynga’s First Amended Complaint.

On April 13, 2011, the Court continued the Case Management Conference until May 13, 2011, and continued all related dates accordingly. (Dkt. No. 38.) The deadline to file the Federal Rule of Civil Procedure (“Federal Rule”) 26(f) report is Friday, May 6, 2011.

On April 22, 2011, Zynga filed its request for entry of default by the Clerk against Defendants. (Dkt. No. 39.). The Clerk entered Defendant’s default on May 2, 2011. (Dkt. No. 42.)

1 On May 6, 2011, Zynga filed its Motion for Default Judgment against Defendants. (Dkt. No.
2 43.) The Motion noticed a hearing date of June 24, 2011. This Motion is currently pending before
3 the Court.

4 III. ARGUMENT

5 There is good cause to continue the Case Management Conference in this case.

6 Because the Defendants have not participated in the litigation, Zynga has been unable to
7 conduct the conference required by Federal Rule of Civil Procedure (“Federal Rule”) 26(f)(1).
8 (Declaration of David K. Caplan in Support of Zynga’s Sixth Motion to Continue or Vacate Case
9 Management Conference (“Caplan Decl.”) ¶ 2.) Accordingly, Zynga will be unable to file the joint
10 case management statement required by Federal Rule 26(f)(2) and Civil Local Rule 16-9. (Id.) As a
11 result, it will be impractical for the Case Management Conference to proceed as scheduled on May
12 13, 2011.

13 Moreover, it is highly unlikely that the Case Management Conference will be held at all.
14 Default has been entered against all remaining defendants. (Id. ¶ 4.) As a result, Zynga has filed its
15 Motion for Default Judgment against the Defendants. (Dkt. No. 43.) Accordingly, there is good
16 cause for the Court to: 1) continue the Case Management Conference to a date far enough in the
17 future for default proceedings to be completed; or 2) vacate the Case Management Conference from
18 the Court’s calendar. In the event the Court continues the Case Management Conference, Zynga
19 respectfully proposes that the conference be continued until July 8, 2011, or another date that is
20 convenient for the Court.

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IV. CONCLUSION

For the foregoing reasons, Zynga respectfully requests that the Court issue an order continuing or vacating the Case Management Conference. A proposed order is submitted herewith. Zynga will gladly provide any additional information the Court may request regarding this Motion.

Dated: May 6, 2011

By: _____ /s/

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