

1 JOHN R. FUISZ (*pro hac vice*)
THE FUISZ-KUNDU GROUP LLP
 2 1455 Pennsylvania Avenue, NW
 Suite 400
 3 Washington, DC 20004
 Telephone: (202) 621-1889
 4 E-mail: Jfuisz@fuiszlaw.com

5 JENNIFER L. ISHIMOTO (SBN 211845)
BANIE & ISHIMOTO LLP
 6 600 Chesapeake Drive
 Redwood City, CA 94063
 7 Telephone: (650) 549- 5652
 E-mail: ishimoto@banishlaw.com

8 Attorneys for Plaintiff
 9 Libyan Jamahiriya Broadcasting Corporation

10
 11
 12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 Libyan Jamahiriya Broadcasting
 15 Corporation,

16 Plaintiff,

17 vs.

18 Abdalla Saleh,

19 Defendant.

Civil Action No. 5:10-CV-03713-JF PVT

**PLAINTIFF LIBRYAN JAMAHIRIYA
 BROADCASTING CORPORATION'S *EX*
PARTE REQUEST TO SUSPEND ALL
 ACTIVITY IN CASE**

20
 21
 22
 23 Plaintiff Libyan Jamahiriya Broadcasting Corporation ("LJBC") submits this *Ex Parte*
 24 Request To Suspend All Activity In Case, including the upcoming status conference scheduled
 25 for July 15, 2011 at 10:30 a.m.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE

As explained in detail below and in the previously filed pleadings, Plaintiff Libyan Jamahiriya Broadcasting Corporation (“LJBC”) has not been able to locate the Defendant Abdalla Saleh. Civil Local Rule 7-10 allows *ex parte* application as long as the application is permitted by another statute or rule. Here, California Rule of Court Rule 3.1204(b) permits an application for an *ex parte* order to proceed without notice upon a showing that the applicant in good faith attempted to inform the opposing party but was unable to do so. Because Plaintiff has not able to locate Defendant, Plaintiff has resorted to filing this *Ex Parte* request.

BRIEF DESCRIPTION OF THE CASE AND REQUEST

Plaintiff Libyan Jamahiriya Broadcasting Corporation (“LJBC”) is suing Defendant Abdalla Saleh, for copyright infringement (Counts 1-4). Defendant agreed under oath to accept service but has been actively evading service by providing an incorrect address and by canceling his email address after this Court authorized service by email.

At the last CMC, the Court acknowledged that the defendant was in default. All that remained was to finish the paperwork, which counsel for LJBC informed the Court it was in the process of doing.

On February 17, 2011 the Clerk issued notice of default. Counsel was in the process of putting together the paperwork for the final default judgment to be entered when the political unrest in Libya broke out. Since then, the Office of Foreign Assets Controlled (“OFAC”) has identified LJBC as one of the companies that is owned by the government that is subject to sanctions. *See* Exhibit A, a true and correct copy of a press release from the Treasury Department. Specifically, Executive Order 13566 prohibits U.S. persons from engaging in business with any Libyan state-owned entity. Plaintiff Libyan Jamahiriya Broadcasting Corporation is specifically listed. Counsel for LJBC does not have an OFAC license yet. As such, Counsel believes that it cannot appear at the CMC or in any way move this case forward

1 without risking violating the OFAC sanction order at this time. Thus, Counsel for LJBC asks that
2 the Court suspend all dates until Counsel for LJBC can obtain a license to further participate in
3 this litigation or until the executive order is removed.

4

5 Dated: July 8, 2011

The Fuisz-Kundu Group LLP

6

/s/John R. Fuisz
John R. Fuisz (Pro Hac)

7

8

Banie & Ishimoto LLP

9

/s/Jennifer Ishimoto
Jennifer Ishimoto (SBN 211845)

10

11

Attorneys for Plaintiff
Libyan Jamahiriya Broadcasting Corporation

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT A

U.S. DEPARTMENT OF THE TREASURY

Search [input] Advanced Search

- Home Treasury For... About Resource Center Services Initiatives Careers Connect with Us

- Press Releases
Daily Guidance
Media Schedule and Advisories
News
Photos
Video, Audio, and Webcasts
Press Contacts

Press Center

Home » Press Center » Press Releases » Treasury Identifies Three Companies Ow ned by the Government of Libya as Subject to Sanctions

Treasury Identifies Three Companies Owned by the Government of Libya as Subject to Sanctions

5/5/2011

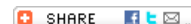
WASHINGTON – The U.S. Department of the Treasury’s Office of Foreign Assets Control (OFAC) today identified three companies owned by the Government of Libya as subject to sanctions pursuant to Executive Order (E.O.) 13566.

E.O. 13566 blocks all property and interests in property of the Government of Libya and its agencies, instrumentalities and controlled entities within U.S. jurisdiction, whether specifically identified by OFAC or not. U.S. persons are prohibited from engaging in business with any Libyan state-owned entity. Today’s identifications are intended to aid U.S. persons and others in meeting their obligations under E.O. 13566.

“The United Nations and countries around the world are locking down the Government of Libya’s assets to prevent the Qaddhafi regime from sponsoring further bloodshed,” said OFAC Director Adam J. Szubin. “Today’s identifications name additional agencies of the Qaddhafi regime; all of their assets should be frozen.”

The following entities were identified by OFAC today as subject to sanctions pursuant to E.O. 13566:

- Libyan Jamahiriya Broadcasting Corporation: Libya’s state broadcasting company, which owns several radio and television stations in Libya.
Dalia Advisory Ltd.: a London-based investment firm that is 100 percent owned by the Libyan Investment Authority (LIA), which was identified by OFAC as a Government of Libya entity on March 15, 2011.
Lafico Algeria Holdings: an Algeria-based subsidiary of the Libyan Arab Foreign Investment Company (LAFICO), which was identified by OFAC as a Government of Libya entity on March 15, 2011.



Initiatives

- Financial Stability
Housing Finance Reform
Making Home Affordable
Recovery
U.S. China Strategic and Economic Dialogue
Wall Street Reform

Bureaus

- The Alcohol and Tobacco Tax and Trade Bureau
Bureau of Engraving & Printing
Bureau of The Public Debt
Community Development Financial Institutions Fund
Financial Crimes Enforcement Network (FinCEN)
Financial Management Service
Internal Revenue Service
Office of The Comptroller of The Currency
Office of Thrift Supervision
U.S. Mint

Inspector General Sites

- Office of Inspector General (OIG)
Treasury Inspector General for Tax Administration (TIGTA)
Special Inspector General, Troubled Asset Relief Program (SIGTARP)
Report, Fraud Waste & Abuse

Additional Resources

- Budget and Performance
Freedom of Information Act (FOIA)
No FEAR Act Data

U.S. Government Shared Services

- HR Connect Program Office
Administrative Resource Center (ARC)-Bureau of the Public Debt
Treasury Direct Services for Governments

Other Government Sites

- USA.gov
USAJOBS.gov
OPM.gov
MyMoney.gov
Data.gov
Forms.gov
Regulations.gov
PaymentAccuracy.gov