

1 JOHN R. FUISZ (*pro hac vice* pending)
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
 Palo Alto, CA 94303
 7 Telephone: (650) 320-1628
 Facsimile: (650) 320-1628
 8 E-mail: ishimoto@banishlaw.com

9 Attorneys for Plaintiff
 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 Maher Adly Fadel,

19 Defendant.

Civil Action No. 3:10-CV-05432 WHA

REQUEST TO ENTER DEFAULT

20
 21
 22 TO: THE CLERK OF THE ABOVE-ENTITLED COURT

23
 24 Plaintiff hereby request that the Clerk of the above-entitled Court enter default in this
 25 matter against defendant Maher Adly Fadel on the ground that said defendant has failed to appear
 26 or otherwise respond to the complaint within the time prescribed by the Federal Rules of Civil
 27 Procedure. Defendant filed a counter-notification under 17 U.S.C. §512(g) in which defendant
 28

1 consented to the jurisdiction of this court and to accept service. Plaintiff provided notice of the
2 lawsuit to defendant on December 2, 2010.

3 Evidence of the service of summons is filed herewith. In addition, the above stated facts
4 are set forth in the accompanying declaration of John R Fuisz, filed herewith which states as
5 follows:

6 On August 16, 2010, Plaintiff Libyan Jamahiriya Broadcasting Corporation (“LJBC”)
7 provided YouTube LLC with Notification under the United States Digital Millennium Act, 17
8 U.S.C. §512 that copyrighted material that infringed upon one or more LJBC owned copyrights
9 had been posted at <http://www.youtube.com/watch?v=Xa9zetxgteA>.

10 On November 11, 2010, an individual using the email address of
11 zeboelgamed@yahoo.com who identified himself under oath as Maher Adly Fadel (username:
12 thelion330) of 23 Al Eman Street, Second Floor, Alexandria Egypt, 2003 provided a counter-
13 designation. As required by 17 U.S.C. §512, Maher Adly Fadel stated under penalty of perjury:

14 I consent to the jurisdiction of the Federal District Court for the district in
15 which my address is located, or if my address is outside of the United
16 States, to the judicial district in which YouTube is located, and will accept
17 service of process from the claimant.

18 On information and belief, YouTube LLC is located at 901 Cherry Ave., San Bruno,
19 California, 94066.

20 On December 2, 2010, 2010, YouTube LLC was provided with Notification under 17
21 U.S.C. §512(g). The Notification, including a copy of the complaint, the summons, civil cover
22 sheet, Case Schedule and Court Rules, was emailed to YouTube (email copyright@youtube.com)
23 and emailed to Maher Adly Fadel (email zeboelgamed@yahoo.com). The email to Maher Adly
24 Fadel was not returned and, on information and belief, reached Maher Adly Fadel on or about
25 December 2, 2010. On information and belief, Maher Adly Fadel’s Answer or motion under Rule
26 12 of the Federal Rules of Civil Procedure were due on December 23, 2010.
27
28

1 DATED: January 6, 2011

Respectfully submitted,

2

3

 /s/Jennifer Ishimoto
JENNIFER L. ISHIMOTO (SBN 211845)
BANIE & ISHIMOTO LLP

4

5

JOHN R. FUISZ (*pro hac vice* pending)
THE FUISZ-KUNDU GROUP LLP

6

7

Attorneys for Plaintiff
Libyan Jamahiriya Broadcasting Corporation

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28