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15 Libyan Jamahiriya Broadcasting Corporation

16 UNITED STATES DISTRICT COURT  
17 NORTHERN DISTRICT OF CALIFORNIA

18 Libyan Jamahiriya Broadcasting  
19 Corporation,

20 Plaintiff,

21 vs.

22 Maher Adly Fadel,

23 Defendant.

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

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

1 Plaintiff Libyan Jamahiriya Broadcasting Corporation (“LJBC”) submits this *Ex Parte*  
2 Request To Suspend All Activity In Case, including the upcoming status conference scheduled  
3 for October 14, 2011 at 10:00 a.m.

4 **I. NOTICE**

5 As explained in detail below, and in the previously filed request for default, Plaintiff  
6 Libyan Jamahiriya Broadcasting Corporation (“LJBC”) has not been able to physically locate the  
7 Defendant, Maher Adly Fadel. However, LJBC did send to Defendant Fadel copies of the  
8 complaint, the summons, civil cover sheet, Case Schedule and Court Rules. This email was not  
9 returned, and thus, Plaintiff LJBC does believe that Defendant Fadel received notification of this  
10 lawsuit. Civil Local Rule 7-10 allows *ex parte* application as long as the application is permitted  
11 by another statute or rule. Here, California Rule of Court Rule 3.1204(b) permits an application  
12 for an *ex parte* order to proceed without notice upon a showing that the applicant in good faith  
13 attempted to inform the opposing party but was unable to do so. Because Plaintiff has not able to  
14 locate Defendant, Plaintiff has resorted to filing this *Ex Parte* Case Management Conference  
15 Statement.

16 **II. BRIEF DESCRIPTION OF THE CASE AND REQUEST**

17 Plaintiff Libyan Jamahiriya Broadcasting Corporation (“LJBC”) is suing Defendant  
18 Maher Adly Fadel, for copyright infringement (Counts 1-4). Defendant agreed under oath to  
19 accept service but has been actively evading service by providing an incorrect address.

20 Plaintiff alleges and can demonstrate that an individual identified as “the lion330” posted  
21 videos that contain the un-authorized use and un-authorized alteration, including removal of  
22 names and authors, of the copyrighted materials.

23 On August 16, 2010, Plaintiff Libyan Jamahiriya Broadcasting Corporation (“LJBC”) provided YouTube LLC with Notification under the United States Digital Millennium Act, 17  
24 U.S.C. §512 that copyrighted material that infringed upon one or more LJBC owned copyrights  
25 had been posted at <http://www.youtube.com/watch?v=Xa9zetxgteA>.  
26

1 On November 11, 2010, an individual using the email address of  
2 [zebooeIgamed@yahoo.com](mailto:zebooeIgamed@yahoo.com) who identified himself under oath as Maher Adly Fadel (username:  
3 theIion330) of 23 Al Eman Street, Second Floor, Alexandria Egypt, 2003 provided a counter-  
4 designation.

5 As required by 17 U.S.C. §512, Maher Adly Fadel stated under penalty of perjury:

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

10 On December 2, 2010, 2010, YouTube LLC was provided with Notification under 17  
11 U.S.C. §512(g). The Notification, including a copy of the complaint, the summons, civil cover  
12 sheet, Case Schedule and Court Rules, was emailed to YouTube (email [copyright@youtube.com](mailto:copyright@youtube.com))  
13 and emailed to Maher Adly Fadel (email [zebooeIgamed@yahoo.com](mailto:zebooeIgamed@yahoo.com)). The email to Maher Adly  
14 Fadel was not returned and, on information and belief, reached Maher Adly Fadel on or about  
15 December 2, 2010.

16 A confirmation copy of the email and attachments were sent via Federal Express to the  
17 identified address. The package was returned as undeliverable. LJBC has never received an  
18 answer to the complaint.

19 LJBC has attempted to locate Maher Adly Fadel in Egypt, but because of the current  
20 political issues and resultant instability has been unable to do.

21 In addition, political unrest broke out in Libya around the time that LJBC was attempting  
22 to local Fadel in Egypt. Since then, the Office of Foreign Assets Controlled (“OFAC”) has  
23 identified LJBC as one of the companies that is owned by the government that is subject to  
24 sanctions. *See* Exhibit A, a true and correct copy of a press release from the Treasury  
25 Department. Specifically, Executive Order 13566 prohibits U.S. persons from engaging in  
26 business with any Libyan state-owned entity. Plaintiff Libyan Jamahiriya Broading Corporation  
27 is specifically listed. Counsel for LJBC does not have an OFAC license yet. As such, Counsel

1 believes that it cannot appear at the CMC or in any way move this case forward without risking  
2 violating the OFAC sanction order at this time. Thus, Counsel for LJBC asks that the Court  
3 suspend all dates until Counsel for LJBC can obtain a license to further participate in this  
4 litigation or until the executive order is removed.

5  
6 Dated: October 7, 2011

7 **The Fuisz-Kundu Group LLP**

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

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12 **Banie & Ishimoto LLP**

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14 /s/Jennifer Ishimoto  
15 Jennifer Ishimoto (SBN 211845)

16 *Attorneys for Plaintiff*  
17 *Libyan Jamahiriya Broadcasting Corporation*  
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# EXHIBIT A

Press Releases
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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	Bureaus	Inspector General Sites	U.S. Government Shared Services
Financial Stability Housing Finance Reform Making Home Affordable Recovery U.S. China Strategic and Economic Dialogue Wall Street Reform	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 Netw ork (FinCEN) Financial Management Service Internal Revenue Service Office of The Comptroller of The Currency Office of Thrift Supervision U.S. Mint	Office of Inspector General (OIG) Treasury Inspector General for Tax Administration (TIGTA) Special Inspector General, Troubled Asset Relief Program (SIGTARP) Report, Fraud Waste & Abuse  <b>Additional Resources</b> Budget and Performance Freedom of Information Act (FOIA) No FEAR Act Data	HR Connect Program Office Administrative Resource Center (ARC)-Bureau of the Public Debt Treasury Direct Services for Governments  <b>Other Government Sites</b> USA.gov USAJOBS.gov OPM.gov MyMoney.gov Data.gov Forms.gov Regulations.gov PaymentAccuracy.gov