

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

5 JENNIFER L. ISHIMOTO (SBN 211845)
6 **BANIE & ISHIMOTO LLP**
7 1999 South Bascom Ave., Suite 700
Campbell, CA 95008
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
NORTHERN DISTRICT OF CALIFORNIA

14

15 Libyan Jamahiriya Broadcasting
Corporation,

16

Plaintiff,

17

vs.

18

Maher Adly Fadel,

19

Defendant.

20

21

22

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

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

23

24

25

26

27

28
BANIE & ISHIMOTO
LLP

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

1 On November 11, 2010, an individual using the email address of
2 zebooelgamed@yahoo.com who identified himself under oath as Maher Adly Fadel (username:
3 thelion330) 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, 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)
13 and emailed to Maher Adly Fadel (email zebooelgamed@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 locate 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**

8

9

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

11

12

13 **Banie & Ishimoto LLP**

14

15

/s/Jennifer Ishimoto
Jennifer Ishimoto (SBN 211845)

16

17

*Attorneys for Plaintiff
Libyan Jamahiriya Broadcasting Corporation*

18

19

20

21

22

23

24

25

26

27

28

EXHIBIT A

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 Owned 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 Qaddafi regime from sponsoring further bloodshed," said OFAC Director Adam J. Szubin. "Today's identifications name additional agencies of the Qaddafi 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	The Alcohol and Tobacco Tax and Trade Bureau	Office of Inspector General (OIG)	HR Connect Program Office
Housing Finance Reform	Bureau of Engraving & Printing	Treasury Inspector General for Tax Administration (TIGTA)	Administrative Resource Center (ARC)-Bureau of the Public Debt
Making Home Affordable	Bureau of The Public Debt	Special Inspector General, Troubled Asset Relief Program (SIGTARP)	Treasury Direct Services for Governments
Recovery	Community Development Financial Institutions Fund	Report, Fraud Waste & Abuse	
U.S. China Strategic and Economic Dialogue	Financial Crimes Enforcement Network (FinCEN)		
Wall Street Reform	Financial Management Service		Other Government Sites
	Internal Revenue Service	Additional Resources	USA.gov
	Office of The Comptroller of The Currency	Budget and Performance	USAJOBS.gov
	Office of Thrift Supervision	Freedom of Information Act (FOIA)	OPM.gov
	U.S. Mint	No FEAR Act Data	MyMoney.gov
			Data.gov
			Forms.gov
			Regulations.gov
			PaymentAccuracy.gov