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5 Attorneys for Defendant  
 6 SCRIBD, INC.

7  
 8 UNITED STATES DISTRICT COURT  
 9 SOUTHERN DISTRICT OF CALIFORNIA

11 LARRY WILLIAMS,	)	CASE NO. 09-cv-1836-LAB-BGS
	)	
12 Plaintiff,	)	<b>DEFENDANT SCRIBD, INC.’S <i>EX</i></b>
	)	<b><i>PARTE</i> APPLICATION TO</b>
13 vs.	)	<b>RESCHEDULE THE ENE</b>
	)	<b>CONFERENCE AND FOR</b>
14 SCRIBD, INC., a corporation, GalaxiaMia sued as	)	<b>INSURANCE CARRIER’S</b>
DOE 1; api_user_11797_malvik as DOE 2;	)	<b>TELEPHONIC APPEARANCE</b>
15 alukmanto as DOE 3; api_user_11797_NEBOJSAJE	)	
as DOE 4; mikaj as Doe 5; Srikanthbnm sued as	)	Filed concurrently with:
16 DOE 6; api_user_11797_Sathis sued as DOE 7;	)	(1) Declaration of Yuo-Fong C. Amato;
api_user_11797_tevado... sued as DOE 8;	)	(2) Declaration of Richard P. Sybert;
17 api_user_11797_ingrid... sued as DOE 9; and DOES	)	(3) Proposed Order.
10 to 40 are upload infringers to be named,	)	
	)	
18 Defendants.	)	
	)	

20 Defendant Scribd, Inc. (“Defendant” or “Scribd”) hereby files this *ex parte* application  
 21 requesting the rescheduling the Early Neutral Evaluation (“ENE”) conference and for the  
 22 telephonic appearance of Scribd’s insurance carrier.

23 **Rescheduling the ENE Conference**

24 On July 9, 2010, the Court issued a Notice and Order for Early Neutral Evaluation  
 25 Conference, and set the ENE date and time for August 4, 2010, at 9:00 a.m. However, lead  
 26 counsel for Scribd, Richard P. Sybert, is required to prepare and defend previously scheduled  
 27

1 depositions in a major trade secrets case in Denver, Colorado the entire week of August 2, 2010.  
2 Declaration of Richard P. Sybert, ¶ 2.

3 Scribd has been working to find a workable replacement date, subject to the Court's  
4 approval. Due to conflicting schedules of plaintiff Larry Williams, his counsel, Scribd, Scribd's  
5 insurance carrier, and Scribd's counsel (us), the only date in the reasonably near future on which  
6 everyone is available is **September 30, 2010**. Declaration of Yuo-Fong C. Amato ("Amato  
7 Decl."), ¶ 2. Plaintiff's counsel states that he does not oppose this change. *Id.*

8 Scribd therefore respectfully requests that this Court reschedule the ENE conference for  
9 September 30, 2010.

10 **Telephonic Appearance of Scribd's Insurance Carrier**

11 A Scribd representative with full authority to settle will be present at the ENE  
12 conference. However, the representative for Scribd's insurance carrier would have to travel to  
13 San Diego from New York and miss at least two full days at work, if not more, to attend the ENE  
14 in person. Therefore, Scribd respectfully requests that this Court allow the telephonic  
15 appearance of Scribd's insurance carrier.

16 Plaintiff's counsel states that he does not oppose this request so long as Scribd discloses  
17 the identity of the insurance carrier, which Scribd has agreed to do. Amato Decl., ¶ 2.

18  
19 Dated: July 26, 2010

Respectfully submitted,  
GORDON & REES LLP

21 by /s/Richard P. Sybert  
22 Richard P. Sybert  
23 Yuo-Fong C. Amato  
24 Attorneys for Defendant  
25 SCRIBD, INC.

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**DECLARATION OF YUO-FONG C. AMATO**

I, Yuo-Fong C. Amato, declare:

1. I am one of the attorneys in the above-entitled matter for Defendant Scribd, Inc. (“Scribd”). I am over the age of 18 years and a resident of San Diego County. I am admitted to the bar of the State of California, and am an active member of the California State Bar, in good standing. I have first hand knowledge of the matters of fact stated herein. If called as a witness, I could and would testify competently to such facts under oath.

2. Between July 12, 2010 and July 16, 2010, I communicated on multiple occasions with Mr. Kurt Hallock, counsel of record for Plaintiff Larry Williams in this matter, in an unsuccessful effort to find mutually agreeable dates to which the Early Neutral Evaluation (“ENE”) conference might be rescheduled. However, on July 20, 2010, I tried again, and Mr. Hallock stated that he and his client would be available on September 30, 2010. While Mr. Hallock declined to file a joint motion, he indicated that he and his client would not oppose Scribd’s *ex parte* application as to the rescheduling issue, as long as Scribd requested September 30, 2010 as the alternate date for the ENE conference. He also indicated that he and his client would not oppose Scribd’s *ex parte* application as to the telephonic appearance issue for Scribd’s insurance carrier, as long as Scribd revealed the identity of its carrier. We received this information on July 26, 2010, and I have promptly communicated the information to Mr. Hallock and informed him that Scribd will be filing the instant *ex parte* application today on July 26, 2010.

I declare under penalty of perjury under the laws of the state of California and the United States that the foregoing is true and correct.

Executed on July 26, 2010 in San Diego, California.

  
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Yuo-Fong C. Amato

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**DECLARATION OF RICHARD P. SYBERT**

I, Richard P. Sybert, declare:

1. I am one of the attorneys in the above-entitled matter for Defendant Scribd, Inc. (“Scribd”). I am over the age of 18 years and a resident of San Diego County. I am admitted to the bar of the State of California, and am an active member of the California State Bar, in good standing. I have first hand knowledge of the matters of fact stated herein. If called as a witness, I could and would testify competently to such facts under oath.

2. Prior to this Court’s issuance of the Notice and Order for Early Neutral Evaluation (“ENE”) Conference on July 9, 2010, I was scheduled to prepare and defend the key depositions in a major trade secrets case in Denver, Colorado for the entire week of August 2, 2010.

I declare under penalty of perjury under the laws of the state of California and the United States that the foregoing is true and correct.

Executed on July 26, 2010 in San Diego, California.

/s/Richard P. Sybert

Richard P. Sybert

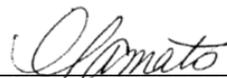
1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on July 26, 2010, the foregoing document, DEFENDANT SCRIBD,  
3 INC.'S ANSWER TO THE FIRST AMENDED COMPLAINT was filed electronically via the  
4 Court's Electronic Case Filing System (ECF). The file transmission was reported as successful  
5 and a copy of the Electronic Case Filing Receipt will be maintained with the original  
6 document(s) in our office. Notice of the filing is being served upon all counsel of record  
7 automatically through Notice of Electronic Filing:

8 Kurt W. Hallock  
9 Law Office of Kurt W. Hallock  
10 110 West C Street, Suite 1905  
11 San Diego, CA 92101  
12 Tel (619) 615-0726  
13 Fax (619) 615-0728  
14 Email: [kwhallock@hallocktriallaw.com](mailto:kwhallock@hallocktriallaw.com)  
15 **Attorney for Plaintiff Larry Williams**

16 I declare under penalty of perjury under the laws of the State of California and the United  
17 States that the above is true and correct.

18 Executed on July 26, 2010 at San Diego, California.

19   
20 \_\_\_\_\_  
21 Yuo Fong C. Amato