

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:08-cv-20748-WRH

APPLE CORPS LIMITED and APPLE RECORDS, INC.,

Plaintiffs,

v.

FUEGO ENTERTAINMENT, INC., ECHO-FUEGO  
MUSIC GROUP LLC, ECHO-VISTA INC., HUGO M.  
CANCIO and JEFFREY COLLINS,

Defendants.

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**FUEGO DEFENDANTS' AGREED MOTION TO  
ENLARGE TIME TO RESPOND TO COMPLAINT**

Defendants Fuego Entertainment, Inc., Echo-Fuego Music Group LLC and Hugo M. Cancio (collectively, the "Fuego Defendants"), by and through undersigned counsel, pursuant to Federal Rule of Civil Procedure 6(b)(1) and S.D. L.R. 7.1, hereby move to enlarge the time in which to respond to Plaintiffs' Complaint for one week up through and including Friday, May 16, 2008. Plaintiffs have agreed to the requested extension. In support of this Motion, the Fuego Defendants state as follows:

1. Defendants' response to Plaintiffs' Complaint presently is due on Friday, May 9, 2008. [DE 16].
2. Due to the complexity of the novel copyright issues involved here with respect to rights to a recording of a live performance in Germany that took place prior to the enactment of any applicable U.S. or German copyright law, more time is necessary to fully brief Defendants' motion to dismiss.

3. In addition, the attorneys involved in the case are unavailable for the next few days to complete work on the motion due to prior commitments. Specifically, associate attorney for the Fuego Defendants, Michael Trauben, Esq., attended a Court-Ordered Mediation on Thursday, May 8, 2008 in a matter pending in the United States District Court for the Southern District of Florida before Judge Dimitrouleas, Case No. 07-60735, which Mediation lasted the entire day and evening. Because the Mediation was unsuccessful, Mr. Trauben will be in deposition the entire day of Friday, May 9, 2008. The only other associate working on the case is out of town on vacation. Further, the Partners overseeing this matter will be out of town at the International Franchise Association Legal Conference in Washington D.C. where both are speaking, and do not return until Wednesday, May 14, 2008. Accordingly, based upon the unavailability of Counsel for Fuego-Defendants, in conjunction with the complex copyright and trademark issues present in this matter, the Fuego Defendants respectfully request a brief one-week extension of time within which to respond to Plaintiff's Complaint, up through and including Friday, May 16, 2008.

4. Rule 6(b) of the Federal Rules of Civil Procedure governs enlargements of time and provides:

When by these rules . . . or by order of court an act is required . . . to be done at or within a specified time, the court for cause shown may at any time in its discretion . . . order the period enlarged if request[ed] . . . .

See also Yesudian ex rel. U.S. v. Howard Univ., 270 F.3d 969 (D.C. Cir. 2001) (district courts have broad discretion with respect to case management). District Courts have broad discretion under Rule 6(b) to expand deadlines. Hetzel v. Bethlehem Steel, 50 F.3d 360, 367 (5th Cir. 1995). When a motion for enlargement of time is made prior to the expiration of time and for good cause shown, it is proper for a court to grant the motion. Lujan v. Nat. Wildlife Fed., 497 U.S. 871, 896 (1990).

5. The requested extension is sought in good faith and not for purposes of delay, is in the interest of justice and judicial economy, and will not cause any prejudice to any party. Good cause therefore exists for the requested extension.

6. Pursuant to S.D. Fla. L.R. 7.1(A)(2), the Fuego Defendants attach a proposed Order granting the relief requested herein.

7. Pursuant to S.D. Fla. L.R. 7.1(A)(3), Fuego Defendants contacted counsel for Plaintiffs who have agreed to the requested extension.

WHEREFORE, Defendants Fuego Entertainment, Inc., Echo-Fuego Music Group LLC and Hugo M. Cancio respectfully request this Court grant them an enlargement of time up through and including Friday, May 16, 2008, within which to file their Response to Plaintiffs Complaint in this matter and for such other further relief as this Court deems just and proper.

Dated: May 9, 2008  
Miami, Florida

Respectfully submitted,

s/Jonathan E. Perlman

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 9, 2008, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified on the attached Service List in the manner specified, either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

s/Jonathan E. Perlman.  
Attorney

**SERVICE LIST**

**Apple Corps Limited and Apple Records, Inc. v. Fuego Entertainment et al.  
CASE NO.: 08-20748-CIV-HOEVELER/BROWN**

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