

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20427-JORDAN

DISNEY ENTERPRISES, INC., TWENTIETH
CENTURY FOX FILM CORPORATION,
UNIVERSAL CITY STUDIOS PRODUCTIONS
LLLP, COLUMBIA PICTURES INDUSTRIES, INC.,
and WARNER BROS. ENTERTAINMENT INC.,

Plaintiffs,

v.

HOTFILE CORP., ANTON TITOV, and
DOES 1-10.

Defendants.

**AGREED MOTION AND MEMORANDUM OF LAW OF
DEFENDANT HOTFILE CORP. FOR ENLARGEMENT OF TIME
TO FILE A MOTION TO COMPEL WITH RESPECT TO “PLAINTIFFS’
CONSOLIDATED RESPONSES AND OBJECTIONS TO DEFENDANT HOTFILE
CORP.’S SECOND SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS”**

Defendant, Hotfile Corp. (“Hotfile”) moves pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure for enlargement of time to serve a motion to compel with respect to “Plaintiffs’ Consolidated Responses and Objections to Defendant Hotfile Corp.’s Second Set of Requests for Production of Documents” (“Plaintiffs’ Objections to Hotfile’s Second Request to Produce”). The grounds supporting this Agreed Motion are set forth below in the accompanying memorandum of law.

MEMORANDUM OF LAW

Under the present deadline, Hotfile's motion to compel with respect to Plaintiffs' Objections to Hotfile's Second Request to Produce would be due August 29, 2011. Since Plaintiffs' Objections were served on July 28, 2011, counsel for Hotfile has been fully occupied with other matters in this case, including preparing Answers to the Complaint and responding to discovery and attempting to resolve other discovery disputes. Undersigned Counsel needs additional time to engage in and complete the meet and confer process required by Local Rule 7.1(a)(3). For these reasons, Hotfile requests that it be given to and including, September 28, 2011, to file any motion to compel with respect to Plaintiffs' Objections to Hotfile's Second Request to Produce.

This request for extension of time is not filed for purposes of delay or for any improper purpose, but to provide the minimum amount of time needed by counsel for Hotfile and Plaintiffs to try to resolve some or all of the potential disputes with respect to Hotfile's Second Request to Produce and thereby reduce or eliminate the need for a motion to compel. Plaintiffs will not be prejudiced by the Court granting this Agreed Motion to Enlarge Time and, indeed, have agreed to the requested extension of time. The Court has authority pursuant to Rule 6(b) of the Federal Rules of Civil Procedure to grant extensions of time, when as here, justice so requires. *See* Fed. R. Civ. P. 6(b)(1)(A).

CONCLUSION

On the basis of the foregoing, Hotfile respectfully requests that it be given to and including September 28, 2011, to file a motion to compel with respect to Plaintiffs' Objections to Hotfile's Second Request to Produce. A proposed order on this Agreed Motion has been submitted via electronic mail.

CERTIFICATE OF GOOD FAITH CONFERENCE

I hereby certify that counsel for the movant, Andrew Leibnitz, conferred with all parties or non-parties who may be affected by the relief sought in this motion, including Plaintiffs' counsel Duane Pozza and Luke Platzner, in a good faith effort to resolve the issues and Plaintiffs' counsel has agreed to the motion.

s/Andrew Leibnitz

Andrew Leibnitz

DATED: August 22, 2011

s/ Janet T. Munn

Janet T. Munn, Fla. Bar No. 501281

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CERTIFICATE OF SERVICE

I hereby certify that on August 22, 2011, I filed the foregoing document with the Clerk of the Court in the conventional manner. I also certify that the foregoing document is being served this day on all counsel of record or pro se parties identified below 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.

By: s/ Janet T. Munn
Janet T. Munn

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