

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 11-20427-WILLIAMS/TURNOFF

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.

HOTFILE CORP.,

Counterclaimant,

v.

WARNER BROS. ENTERTAINMENT INC.,

Counterdefendant.

**JOINT MOTION AND MEMORANDUM OF LAW FOR EXTENSION OF DEADLINES
SET FORTH IN THE COURT'S SCHEDULING ORDER (DKT # 133) AND ORDER ON
MOTION FOR EXTENSION OF TIME (DKT # 157)**

Plaintiffs Disney Enterprises, Inc., Twentieth Century Fox Film Corporation, Universal City Studio Productions LLLP, Columbia Pictures Industries, Inc., and Warner Bros. Entertainment, Inc. (collectively "Plaintiffs"); and Defendants Hotfile Corp. and Anton Titov (collectively "Defendants") (Plaintiffs and Defendants are collectively the "Parties") move pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure for an extension of time for the Parties to complete experts discovery, and an extension of time to file discovery pleadings

and pre-trial motions, pursuant to the Court’s Scheduling Order (Dkt # 133), as modified by this Court’s Order on Motion for Extension of Time (Dkt #157). The grounds for this Joint Motion are set forth below in the accompanying memorandum of law.

MEMORANDUM OF LAW

Under present deadlines, the Parties must exchange rebuttal expert witness summaries and reports by December 23, 2011, with all expert discovery to be completed by January 17, 2012. (Dkt # 157). In addition, all pre-trial motions must be filed by January 23, 2012. (Dkt # 133). To accommodate the Parties’ need for additional time to complete expert discovery, respond to discovery motions, and file pre-trial motions, the Parties respectfully request that the Court extend the deadlines as follows:

January 5, 2012	Oppositions to any discovery motions filed on December 23, 2011.
	Replies in support of Plaintiffs’ Motion to Compel the Production of Titov Deposition Exhibit 27 (Dkt # 180) and Plaintiffs’ Motion to Compel the Deposition of Andrei Ianakov (Dkt # 184).
January 6, 2012	Parties exchange rebuttal expert witness summaries and reports required by Local Rule 16.1.K.
January 10, 2012	Replies in support of any discovery motions filed on December 23, 2011.
January 20, 2012	Rebuttal expert depositions are completed.
February 3, 2012	Motions for Summary Judgment on Hotfile Corp.’s Counterclaim against Warner Bros. Entertainment, Inc. (“Counterclaim”) are filed.
February 10, 2012	All other Motions for Summary Judgment unrelated to the Counterclaim are filed. ¹

¹ Defendant Anton Titov has indicated that he will be filing a separate motion for summary judgment. Although Plaintiffs similarly intend to file a motion for summary judgment on Mr. Titov’s liability, Plaintiffs would like the option of combining the motion for summary judgment on Mr. Titov’s liability with the motion for summary judgment against Hotfile Corp. to avoid the

February 24, 2012	Oppositions to Motions for Summary Judgment on the Counterclaim are filed.
March 2, 2012	Oppositions to Motions for Summary Judgment unrelated to the Counterclaim are filed.
March 9, 2012	Replies in Support of Motions for Summary Judgment on the Counterclaim are filed.
March 16, 2012	Replies in Support of Motions for Summary Judgment unrelated to the Counterclaim are filed.

The Joint Motion is not filed for the purposes of delay or for any improper purpose but to provide additional time needed to prepare expert reports, complete expert discovery, respond to discovery motions, and file summary judgment motions. The Parties have been proceeding on an expedited basis and have moved from the filing of the complaint to the close of nearly all discovery in less than a year. The requested extensions are needed for the Parties to assemble the record and present the Court with the most helpful briefs possible on summary judgment. Neither Party will be prejudiced by the Court granting this Joint Motion for Extension of Time. The Court has authority pursuant to Rule 6 of the Federal Rules of Civil Procedure to grant extensions of time. *See* Fed. R. Civ. P. 6(b)(1).

CONCLUSION

On the basis of the foregoing, the Parties respectfully requests that the Court grant the Joint Motion for Extension of Deadlines Set Forth in The Court's Scheduling Order (Dkt # 133) and Order On Motion for Extension of Time (Dkt # 157). A proposed Order is attached hereto.

unnecessary duplication of factual recitation. In combining the two motions, Plaintiffs request an enlargement of the page limitation allowed under the Local Rules to 40 pages, with Defendants' opposition of equal length, and a reply of no more than 20 pages.

CERTIFICATE OF GOOD FAITH CONFERENCE

I HEREBY CERTIFY that counsel for Plaintiffs, Karen L. Stetson, the counsel who makes this joint filing on behalf of all Parties, has authorization from counsel for Defendants to file the Joint Motion on behalf of Defendants as well as the Plaintiffs whom she represents.

DATED: December 23, 2011

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY on this 23rd day of December, 2011, I served the following document on all counsel of record on the attached service list via the Court's CM/ECF filing system:

Joint Motion and Memorandum of Law for Extension of Deadlines Set Forth in The Court's Scheduling Order (Dkt # 133) and Order On Motion for Extension of Time (Dkt # 157)

I further certify that I am admitted to the United States Court for the Southern District of Florida and certify that this Certificate of Service was executed on this date.

By: /s/ Karen L. Stetson
Karen L. Stetson

SERVICE LIST

**Disney Enterprises, Inc., et al. v. Hotfile Corp. et al.
CASE NO. 11-CIV-20427-WILLIAMS-TURNOFF**

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