

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
DEFENDANTS HOTFILE CORP. AND ANTON TITOV FOR
ENLARGEMENT OF TIME TO SERVE RESPONSES TO PLAINTIFFS' COMPLAINT
AND FOR A DATE BY WHICH THE PARTIES SHALL CONDUCT THE FEDERAL
RULE OF CIVIL PROCEDURE 26(f) AND LOCAL RULE 16.1 CONFERENCE**

Defendants, Hotfile Corp. (“Hotfile”) and Anton Titov (“Mr. Titov”) (collectively Hotfile and Mr. Titov (collectively Hotfile and Mr. Titov are “Defendants”), move pursuant to Rule 6(b)(1)(A) of the Federal Rules of Civil Procedure, for enlargement of time to serve pleadings, motions or other papers in response to Plaintiffs’ Complaint (collectively “Responses”),¹ to and including March 31, 2011 and move for entry of an Order that sets April 1, 2011, as the date for Plaintiffs and Defendants (collectively Plaintiffs and Defendants are the “Parties”), by which the Parties shall conduct the Federal Rule of Civil Procedure 26(f) and Local Rule 16.1 Conference

¹ Defendants reserve all defenses, including defenses directed to personal jurisdiction and service of process.

(collectively “Agreed Motion”). The grounds supporting this Agreed Motion are set forth below in the accompanying memorandum of law.

MEMORANDUM OF LAW

Under present deadlines, Defendants’ Responses to the Complaint are due February 28, 2011. Defendants have worked expeditiously to retain lead counsel, but have only recently retained lead counsel to represent them. Lead counsel are working diligently to familiarize themselves with the facts underlying this case, but need time to do so and to confer with their clients. For these reasons, Defendants request that they be given to and including March 31, 2011, to serve Responses to the Complaint.

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 Defendants to confer with their clients to prepare Responses to the Complaint. 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).

In exchange for Plaintiffs’ agreement to the extension of time, Defendants have agreed that by April 1, 2011, the Parties will conduct their Federal Rule of Civil Procedure 26(f) and Local Rule 16.1 Conference, and that after the initial conference on or before April 1, barring issuance of a further Order of this Court, pursuant to Rule 26(d), the Parties may commence discovery. This Order shall not prejudice either Party’s right to make further motions, as appropriate, to limit or stay discovery, or to object to the form or scope of discovery as permitted under the Federal or Local Rules. This Order also is without prejudice to Plaintiffs’ pending

Memorandum Of Law In Support Of Plaintiffs' Emergency Motion For An Order Prohibiting Spoliation And To Preserve Evidence, filed February 22, 2011.

CONCLUSION

On the basis of the foregoing, Defendants respectfully request that they be given to and including March 31, 2011, to serve their Responses to Plaintiffs' Complaint and that the Court enter an Order that requires the Parties by April 1, 2011, to conduct the Federal Rule of Civil Procedure 26(f) and Local Rule 16.1 Conference. A proposed Order is being submitted to the Court via e-mail.

CERTIFICATE OF GOOD FAITH CONFERENCE

I hereby certify that counsel for the movants, Roderick Thompson, conferred with all parties or non-parties who may be affected by the relief sought in this motion, including Plaintiffs' counsel, in a good faith effort to resolve the issues and Plaintiffs' counsel has agreed to the motion.

s/Roderick M. Thompson
Roderick M. Thompson

Dated: February 28, 2011

Respectfully submitted,

s/ J. T. Munn
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And

s/ Roderick M. Thompson
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Counsel for Defendants

CERTIFICATE OF SERVICE

I hereby certify that on February 28, 2011, the foregoing document was served on all counsel of record or pro se parties identified below 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

SERVICE LIST: CASE NO. 11-CIV-20427-JORDAN

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