

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

EAST WEST, LLC,)	
Plaintiff,)	
)	
v.)	Civ. No. 1:11cv1380
)	
SHAH RAHMAN and CARIBBEAN)	
CRESCENT, INC.,)	
Defendants.)	
)	

MEMORANDUM OPINION

THIS MATTER comes before the Court on Defendants' Motion for Leave to Amend Answer, Affirmative Defenses, Counterclaims, and Third Party Complaint to Assert Counterclaim for Copyright Infringement (Dkt. 89).

Upon review of the pleadings, the Court finds that defendants' motion comes too late. Defendants waited until the final day of discovery to conduct its Federal Rule of Civil Procedure Rule 30(b)(6) deposition of plaintiff when it discovered the alleged infringement. More importantly, defendant did not file for copyright protection, a necessary element of this new proposed counterclaim, until after discovery closed and only the day before this motion was filed. Further, plaintiff would be entitled to additional discovery on this matter even though defendants only seek injunctive relief. Therefore, defendants' motion must be denied. An appropriate

order shall issue.

ENTERED this 11th day of July, 2012.

/s/

THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia