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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 C-A ACQUISITION CORP. and CLOANTO
9 CORPORATION,

10 Plaintiffs,

11 vs.

12 HYPERION ENTERTAINMENT C.V.B.A.,

13 Defendant.
14

Civil Action No.: C19-683 RSM

EX PARTE MOTION AND ORDER TO
EXTEND TIME FOR FILING INITIAL
DISCLOSURES, HOLDING RULE
26(f) CONFERENCE, AND FILE
JOINT STATUS REPORT

15 Pursuant to Pursuant to LCR 7(d)(1), Plaintiffs C-A Acquisition Corp. and Cloanto
16 Corporation (jointly, “Plaintiffs”) move the Court for an order to extend for sixty (60) days the
17 following times set forth in the Court’s Order of August 9, 2019 (“August 9th Order”):

18 Joint Status Report	9/20/2019
19 Rule 26(f) Conference	9/6/2019
20 Initial Disclosures	9/13/2019

21 Plaintiffs so move because Defendant Hyperion Entertainment CVBA (“Hyperion”) has declined
22 to accept service of the Summons and Complaint in this action, and service of process is being
23 made in accordance with the Hague Convention for service of foreign entities.

24 On May 8, 2019, Plaintiffs’ counsel Michael Atkins asked Robert Carlson, counsel of
25 record for Hyperion in *Cloanto Corporation v. Hyperion*, 18-cv-00381-RSM, whether Hyperion
26 would agree to waive service in this action. Mr. Carlson did not respond. On May 17, 2019,

1 Plaintiffs' counsel Gordon E. R. Troy asked Sarah Elsdon, also counsel of record for Hyperion in
2 the earlier case, whether Hyperion would agree to waive service in this action. On May 22, 2019,
3 Ms. Elsdon advised Plaintiffs' counsel that her firm was not authorized by Hyperion to do so.

4 On July 17, 2019, Plaintiffs' counsel sent the Amended Complaint to Plaintiffs' counsel
5 in Belgium for translation and service. Belgian counsel has advised that instructions for service
6 were given to the bailiff on July 31, 2019, but as of the date of this Motion, service has not been
7 confirmed. On August 12, 2019, Ms. Elsdon advised Plaintiffs' counsel that her firm had not
8 been retained to represent Hyperion in this action.

9 Consequently, no appearance has been filed by anyone on behalf of Hyperion. Plaintiffs
10 propose that the dates set forth in the August 9th Order be extended by sixty days as follows:

Deadline/Event	Current	Proposed
12 Rule 26(f) Conference	9/6/2019	11/5/2019
13 Initial Disclosures	9/13/2019	11/12/2019
14 Joint Status Report	9/20/2019	11/19/2019

15 Plaintiffs' request is not sought for purposes of delay, but rather due to the fact that
16 Hyperion has declined to accept service. Plaintiffs believe that service of the Summons and
17 Amended Complaint was effected on August 20, 2019, but counsel has not yet received a
18 certificate of service from the Belgian bailiff.

1 Respectfully submitted this 21st day of August 2019.
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3 By /s/ Gordon E. R. Troy

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19 *Attorneys for Plaintiffs C-A Acquisition Corp.*
20 *and Cloanto Corporation*

1 **ORDER**

2 Based on the facts set forth in Plaintiffs' *Motion to Extend Time for Filing Initial*
3 *Disclosures, Holding Rule 26(f) Conference, and File Joint Status Report* (the "Motion"), the
4 Court finds good cause exists to extend each of the dates by sixty (60) days, as requested in the
5 Motion. Accordingly, the Rule 26(f) Conference shall be held by no later than 11/5/2019; Initial
6 Disclosures shall be due on 11/12/2019; and a Joint Status Report shall be due on 11/19/2019.

7 DATED this 23rd day of August 2019.

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9 RICARDO S. MARTINEZ
10 CHIEF UNITED STATES DISTRICT JUDGE

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13 Presented by:

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