

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CLOANTO CORPORATION, AMIGA, INC.,
ITEC, LLC and AMINO DEVELOPMENT
CORPORATION,

Plaintiffs,

- against -

HYPERION ENTERTAINMENT CVBA,

Defendant.

Civil Action No.: 2:18-cv-00381-RSM
(consolidated with 2:18-cv-00535)

STIPULATED MOTION TO EXTEND
TRIAL DATE AND RELATED
DEADLINES

HYPERION ENTERTAINMENT CVBA

Counterclaim Plaintiff,

- against -

CLOANTO CORPORATION, AMIGA, INC.,
ITEC, LLC and AMINO DEVELOPMENT
CORPORATION,

Counterclaim Defendants.

Plaintiffs/Counter-Defendants Cloanto Corporation, Amiga, Inc., Amino Development
Corporation, and Itec, LLC (“Plaintiffs”), together with Defendant/Counterclaim Plaintiff

STIPULATED MOTION TO EXTEND TRIAL DATES AND
RELATED DEADLINES

Case No. 2:18-cv-00381

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1 Hyperion Entertainment CVBA (“Defendant”) (collectively the “Parties”), pursuant to LCR
2 7(d)(1) and LCR 10(g), jointly move the Court for an order extending, by approximately one
3 hundred twenty (120) days, the dates in the Court’s Order of June 18, 2019, granting the Parties’
4 Stipulated Motion to Extend Trial Date and Related Deadlines (Dkt. No. 73.) The Parties submit
5 there is good cause to further modify the current case schedule, for the reasons set forth below.

6 The Parties are engaged in substantial and earnest settlement discussions to resolve all
7 matters between them, including those at issue in C-A Acquisition Corp. and Cloanto
8 Corporation v. Hyperion Entertainment CVBA, Case No. 19-cv-00683-RSM (the “C-A
9 Acquisition Litigation”). The Parties’ discussions have included meetings both in person and via
10 Skype, and they have exchanged drafts of points for settlement. However, given that the issues at
11 stake and the market for the Parties’ respective products are more complex than those which
12 existed in the 2007 litigation, the Parties require additional time to come to agreement in fine
13 detail, with the intention to avoid any future litigation over the Parties’ respective scope of rights
14 and reservations, and any potential future issues that may arise.

15 The Court’s Order of June 18, 2019 (Dkt. No. 73) provided deadlines for the Parties to
16 file discovery motions, complete discovery, file dispositive motions, and complete other pretrial
17 obligations. Given the above, however, the Parties respectfully request that the Court reschedule
18 the aforesaid discovery and pretrial deadlines as further detailed below.

19 The Parties jointly submit that there is good cause to extend the deadlines as provided
20 below to allow the Parties to devote their time and resources to settlement discussions. Without
21 an extension, the Parties would be required instead to allot significant resources to discovery
22 including depositions currently set for late October. That would involve several witnesses
23 traveling from Europe to Seattle for multiple depositions, plus attorney time and the cost for
24 counsel to travel to Seattle to participate. If settlement results from the Parties’ continued
25 discussions, the Parties will avoid those fees and costs altogether. As the settlement negotiations
26

1 have continued, the Parties have simultaneously been and continue to engage in written
 2 discovery in good faith by exchanging documents, providing an expert report (in the case of
 3 Plaintiffs) and an expert rebuttal (in the case of Defendant). Although Plaintiffs recently filed a
 4 Motion to Compel, Plaintiffs have agreed to withdraw that Motion in recognition of Defendant's
 5 additional productions and continued commitment to fulfilling its discovery obligations in good
 6 faith. The Parties further anticipate rescheduling depositions after the new year, but are
 7 optimistic they can achieve an agreement to settle before then. Accordingly, the Parties
 8 respectfully request that the Court extend the remaining deadlines as follows:

<u>Deadline/Event</u>	<u>Current</u>	<u>Proposed</u>
Disclosure for filing motions related to discovery. Any such motions shall be noted for consideration pursuant to LCR 7(d)(3)	11/8/2019	3/6/2020
Discovery completed by	12/10/2019	4/8/2020
All dispositive motions must be filed by and noted on the motion calendar no later than the fourth Friday thereafter (see LCR 7(d))	1/8/2020	5/7/2020
Mediation per LCR 39.1(c)(3), if requested held no later than	2/21/2020	6/19/2020
All motions in limine must be filed by and noted on the motion calendar no later than the THIRD Friday thereafter	3/11/2020	7/9/2020
Agreed pretrial order due	3/26/2020	7/24/2020
Pretrial conference to be scheduled by the Court		
Trial brief, proposed voir dire questions, jury instructions, neutral statement of the case, and trial exhibits due	4/2/2020	7/31/2020

24 The Parties' joint request is not sought for purposes of delay. Rather, due to the
 25 complexity of the issues for settlement, the Parties believe that a one hundred twenty
 26 (120) day extension is necessary to afford the Parties the opportunity to settle all issues

1 raised in this litigation and the C-A Acquisition Litigation, as well as any potential issues
2 that may arise in the future.
3

4 Respectfully submitted this 4th day of October 2019.

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15 Amino Development Corporation, and Itec, LLC*

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17 **SO ORDERED, the new Trial Date is 8/3/2020.**

18 DATED this 8 day of October 2019

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21 RICARDO S. MARTINEZ
22 CHIEF UNITED STATES DISTRICT JUDGE