

MEMO ENDORSED

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May 21, 2008

Via Facsimile (212) 805-6326

Honorable Colleen McMahon
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007-1312

RE: Arista Records LLC, et al. v. Does 1 - 33
Case No. 08-cv-03048
Request for Adjournment of Pretrial Conference

Honorable Colleen McMahon:

Plaintiffs respectfully request that the Court continue the initial pretrial conference currently set for May 23, 2008 at 10:45a.m. to July 1, 2008. As further explained below, Plaintiffs have not yet discovered the identity of the Doe defendant in this case, and cannot move this case forward until they do so. At this juncture in the case, a pretrial conference is premature. In support of their request, Plaintiffs state as follows:

1. The initial pretrial conference currently is set for May 23, 2008 at 10:45a.m. The current deadline for service of process is July 24, 2008 .

2. Plaintiffs filed their Complaint for Copyright Infringement against Defendant John Does ("Defendants") on March 26, 2008. Plaintiffs did not have sufficient identifying information to name Defendants in the Complaint, but were able to identify Defendants by the Internet Protocol address assigned by Defendant's Internet Service Provider ("ISP"). Accordingly, in order to determine Defendants' true name and identity, Plaintiffs filed their *Ex Parte* Application for Leave to Take Immediate Discovery on March 26, 2008, requesting that the Court enter an Order allowing Plaintiffs to serve a Rule 45 subpoena on the ISP.

3. The Court entered an Order for Leave to take Immediate Discovery on March 26, 2008, which was served upon the ISP along with a Rule 45 subpoena. Plaintiffs expect the ISP to respond to the subpoena on June 6, 2008.

5/21/08
Please notify
Chambers
when you have
serve
case on suspense
until then

Colleen McMahon
5/21/08



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Given the foregoing circumstances, and because Plaintiffs will not learn Defendants' identity until after the date of the currently scheduled initial pretrial conference, Plaintiffs respectfully request that the initial pretrial conference be continued to July 1, 2008, or such other date as conveniences the Court.

Sincerely,

Victor B. Kao
Victor B. Kao

