

1 JAMES Y. PAK (SBN 304563)
james.pak@skadden.com
2 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
525 University Avenue, Suite 1400
3 Palo Alto, CA 94301
Telephone: (650) 470-4500
4 Facsimile: (650) 470-4570

5 KEVIN J. MINNICK (SBN 269620)
kevin.minnick@skadden.com
6 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
300 South Grand Avenue, Suite 3400
7 Los Angeles, CA 90071
Telephone: (213) 687-5000
8 Facsimile: (213) 687-5600

9 P. ANTHONY SAMMI (admitted *pro hac vice*)
anthony.sammi@skadden.com
10 KURT WM. HEMR (admitted *pro hac vice*)
kurt.hemr@skadden.com
11 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP
Four Times Square
12 New York, New York 10036
Telephone: (212) 735-3000
13 Facsimile: (212) 735-2000

14 Attorneys for Plaintiff
Crytek GmbH
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16 **IN THE UNITED STATES DISTRICT COURT**
17 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
18 **WESTERN DIVISION**

19 CRYTEK GMBH,) Case No. 2:17-cv-08937-DMG-FFM
20 Plaintiff,) **CRYTEK GMBH'S EX PARTE**
21 v.) **APPLICATION FOR EXTENSION**
22 CLOUD IMPERIUM GAMES CORP.) **OF TIME TO RESPOND TO**
23 and ROBERTS SPACE INDUSTRIES) **DEFENDANTS' MOTION FOR**
CORP.,) **BOND**
24 Defendants.)

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1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **NOTICE IS HEREBY GIVEN** that, pursuant to Local Rule 7-19 Crytek
3 GmbH (“Crytek”) hereby submits this *ex parte* application for an order extending the
4 time to respond to Defendants’ Motion For A Bond Pursuant to Cal. Civ. P. Code §
5 1030 (ECF No. 57, “Bond Motion”). Crytek requests that the Court grant an
6 additional two-and-a-half week extension for Crytek to respond to that Bond Motion.
7 The new proposed deadline to respond would be June 14, 2019; the new deadline for
8 Defendants’ reply would be June 21, 2019; and, the new proposed hearing date
9 would be July 12, 2019.

10 The application is based upon this Notice, the accompanying Memorandum of
11 Points and Authorities, and any argument or evidence presented at a hearing on this
12 matter.

13 Pursuant to Local Civil Rule 7-19, Crytek lists the counsel of record for the
14 Defendants:

15 Jeremy S. Goldman
16 Frankfurt Kurnit Klein & Selz PC
17 2029 Century Park East, Suite 1060N
18 Los Angeles, CA 90067
19 Tel: (310) 579-9624
20 Fax: (347) 438-2149
21 Email: jgoldman@fkks.com

22 Crytek had understood, based on the parties’ ongoing discussions, that
23 Defendants would agree to an extension to facilitate settlement talks. On May 23,
24 2019, counsel for Defendants indicated that they would not so stipulate, which
25 counsel for Defendants confirmed during a teleconference on the afternoon of May
26 24, 2019. Crytek filed this application promptly thereafter.

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Respectfully submitted,

/s/ James Y. Pak
JAMES Y. PAK (SBN 304563)
james.pak@skadden.com
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
525 University Avenue, Suite 1400
Palo Alto, CA 94301
(650) 470-4500
(650) 798-4570

***Attorneys for Plaintiff
Crytek GmbH***

MEMORANDUM OF POINTS AND AUTHORITIES

Crytek respectfully submits this Memorandum of Points and Authorities in support of Crytek’s *Ex Parte* Application For Extension of Time to Respond to Defendants’ Motion For Bond.

The deadline for Crytek to respond to Defendants’ Motion For A Bond Pursuant to Cal. Civ. P. Code § 1030 (ECF No. 57, “Bond Motion”) is May 28, 2019. Crytek requests that the Court grant an additional two-and-a-half week extension for Crytek to respond to that Bond Motion. The new proposed deadline to respond would be June 14, 2019; the new deadline for Defendants’ reply would be June 21, 2019; and, the new proposed hearing date would be July 12, 2019.

In support, Crytek states:

1. On March 29, 2019, Defendants filed their Bond Motion. The Bond Motion also includes references to three declarations and thirty-seven supporting exhibits.

2. On April 4, 2019, Crytek and Defendants filed a Joint Stipulation to Continue Hearing On Defendants’ Bond Motion (ECF No. 58, “Joint Stipulation”). As part of that stipulation, the parties agreed that the hearing in connection with Defendants’ Bond Motion be continued to June 28, 2019 and that Crytek’s response to Defendants’ Bond Motion would be filed by May 28, 2019.

3. On April 5, 2019, the Court approved the Joint Stipulation filed by the parties.

4. Since that time, the parties have been further engaged in efforts to resolve this matter through settlement. So that the parties may complete those discussions and determine whether this matter can be resolved without further litigation, Crytek seeks an additional extension to respond to the Bond Motion.

1 5. Defendants have indicated that they are unwilling to stipulate to such an
2 extension. However, Crytek submits that the time and expense required to respond
3 to the Bond Motion under the current deadline may derail any settlement discussions
4 at this juncture. Therefore, a short further extension is respectfully requested.

5 6. Pursuant to Fed. R. Civ. P. 6(b)(1)(A), the Court may extend the time
6 for any act for “good cause” if the request is made “before the original time.”
7 “[R]equests for extension of time made before the applicable deadline has passed
8 should ‘normally be granted in the absence of bad faith on the part of the party
9 seeking relief or prejudice to the adverse party.’” *Ahanchian v. Xenon Pictures, Inc.*,
10 624 F.3d 1253, 1259 (9th Cir. 2010) (citing 4B Charles Alan Wright & Arthur R.
11 Miller, Federal Practice and Procedure § 1165 (3d ed. 2004)). Courts “generally will
12 find good cause and grant the extension unless the moving party has been negligent,
13 lacked diligence, acted in bad faith, or abused prior extensions.” *Godinez v. Law*
14 *Offices of Clark Garen*, Case No. 16-00828-CJC (DFMx), 2016 WL 4527512, at *1
15 (C.D. Cal. Aug. 30, 2016) (citing Moore’s Federal Practice, § 6.06[2] (2015)).
16 “‘Good cause’ is a nonrigorous standard that has been construed broadly across
17 procedural and statutory contexts.” *Ahanchian*, 624 F.3d at 1259.

18 7. Good cause exists here because the parties are engaged in ongoing
19 efforts to resolve this matter through settlement. If a settlement is ultimately reached
20 in the coming days by the parties, then an extension of time to respond to the Bond
21 Motion will allow the parties to avoid the incurrence of additional time and expense
22 associated with that motion.

23 8. Crytek has moved promptly and expeditiously for the extension. Crytek
24 had understood, based on the parties’ ongoing discussions, that Defendants would
25 agree to this extension to facilitate settlement talks. On May 23, 2019, counsel for
26 Defendants indicated that they would not so stipulate, which counsel for Defendants
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1 confirmed during a teleconference on the afternoon of May 24, 2019. Crytek
2 promptly filed its application the same day.

3 9. No party will be prejudiced by the extension requested. The parties
4 have previously stipulated to an extension in connection with the Bond Motion
5 already. A further extension of two-and-a-half weeks would not prejudice Crytek or
6 Defendants.

7 Accordingly, Crytek respectfully requests that the Court grant its Application.
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Respectfully submitted,

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/s/ James Y. Pak

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JAMES Y. PAK (SBN 304563)

james.pak@skadden.com

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SKADDEN, ARPS, SLATE,

MEAGHER & FLOM LLP

14

525 University Avenue, Suite 1400

Palo Alto, CA 94301

15

(650) 470-4500

(650) 798-4570

16

Attorneys for Plaintiff

Crytek GmbH

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