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9 Attorneys for Defendants CLOUD IMPERIUM GAMES CORP.  
 10 and ROBERTS SPACE INDUSTRIES CORP.

11 **UNITED STATES DISTRICT COURT**  
 12 **CENTRAL DISTRICT OF CALIFORNIA**

13 CRYTEK GMBH,  
 14                   Plaintiff,  
 15 vs.  
 16 CLOUD IMPERIUM GAMES CORP. and  
 17 ROBERTS SPACE INDUSTRIES CORP.,  
 18                   Defendants.

Case No. 2:17-CV-08937  
 [HON. DOLLY M. GEE]  
**DEFENDANTS’ NOTICE OF  
 MOTION AND MOTION FOR A  
 BOND PURSUANT TO CAL. CIV.  
 P. CODE § 1030**  
 Date: April 26, 2019  
 Time: 9:30 AM  
 Courtroom: 8C

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

2 **NOTICE IS HEREBY GIVEN** that, pursuant to California Code of Civil  
3 Procedure § 1030, on April 26, 2019 at 9:30 a.m., or as soon thereafter as the matter may  
4 be heard, in Courtroom 8C by the Honorable Dolly M. Gee of the United States District  
5 Court for the Central District of California, located at 350 West 1<sup>st</sup> Street, Los Angeles,  
6 California 90012, Defendants Cloud Imperium Games Corp. (“CIG”) and Roberts Space  
7 Industries Corp. (“RSI”) (together, “Defendants”) will, and hereby do, move for an order  
8 requiring Plaintiff Crytek GmbH (“Crytek”) to post a bond in the amount of  
9 \$2,193,298.45 to secure the award of attorneys’ fees and costs that Defendants will be  
10 entitled to receive as the prevailing party in this action.

11 This motion is brought pursuant to California Code of Civil Procedure § 1030 and  
12 this Court’s inherent power to require foreign plaintiffs to post a security bond for costs  
13 where there is a reasonable possibility that the defendants will obtain a judgment in the  
14 action. *See Simulnet E. Assocs. v. Ramada Hotel Operating Co.*, 37 F.3d 573, 574 (9th  
15 Cir. 1994). Here, Crytek is a foreign (German) corporation, CIG is contractually and  
16 statutorily entitled to its attorneys’ fees, costs, and expenses as the prevailing party in this  
17 action, and CIG has far greater than a “reasonable possibility” of obtaining a judgment  
18 against Crytek for such an award. An adequate bond is especially warranted in this case,  
19 given the myriad reported financial problems that have plagued Crytek in recent years,  
20 and the alarming risk that Crytek will be unable to satisfy the judgment awarded to  
21 Defendants.

22 This motion is based upon: this Notice of Motion and Motion; the Memorandum  
23 of Points and Authorities filed herewith; the Declarations of Jeremy S. Goldman, Ortwin  
24 Freyermuth, and Jay Grenier filed herewith, and the exhibits annexed thereto; the  
25 pleadings and papers on file herein; and upon such other matters as may be presented to  
26 the Court at the time of hearing.

1 This motion is made following the conference of counsel pursuant to Local Rule 7-  
2 3, which took place on December 19, 2018 and January 16, 2019. As detailed in the  
3 accompanying Declaration of Jeremy S. Goldman, counsel for the parties discussed  
4 Defendants' intention to move for a bond pursuant to Cal. Civ. P. Code. § 1030 unless  
5 Crytek agreed to post a substantial bond. Crytek's counsel stated that Crytek would not  
6 voluntarily post a bond.

7  
8 Dated: March 29, 2019

Respectfully submitted,

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10 FRANKFURT KURNIT KLEIN & SELZ, P.C.

11 BY: /s/ Jeremy S. Goldman

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30 GAMES CORP. and ROBERT SPACE  
31 INDUSTRIES CORP.