

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT MICHIGAN

MALIBU MEDIA, LLC,)	
)	
Plaintiff,)	Civil Action Case No. 1:13-CV-360-RJJ
)	
v.)	
)	
JESSE RALEIGH,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S UNOPPOSED MOTION FOR ENTRY OF AN ORDER PERMITTING
PLAINTIFF’S COUNSEL TO APPEAR TELEPHONICALLY FOR THE HEARING ON
PLAINTIFF’S MOTION FOR EXTENSION OF TIME TO FILE DISPOSITIVE
MOTIONS SET FOR DECEMBER 8, 2015 AT 10:00 A.M.**

Plaintiff, Malibu Media, LLC (“Plaintiff”), by and through undersigned counsel, pursuant to Fed. R. Civ. P. 1, hereby moves for the entry of an order allowing Plaintiff’s counsel to appear telephonically at the hearing on December 8, 2015, and in support states:

1. On November 19, 2015, this Court set a hearing for December 8, 2015 at 10:00 a.m. regarding Plaintiff’s Motion for Extension of Time to File Dispositive Motions [CM/ECF 106]. On December 7, 2015, Defendant responded to Plaintiff’s motion stating that he does not oppose an extension of time to file dispositive motions.

2. Plaintiff’s counsel, Paul Nicoletti is unable to attend the hearing. Plaintiff’s counsel, Keith Lipscomb and Jessica Fernandez are located in Miami, FL. Since the conference begins at 10:00 a.m., to attend the case management conference tomorrow, Plaintiff’s counsel would need to fly to Michigan today. Further, Mr. Lipscomb has another hearing that same day at 1:30 pm in Tampa, FL.

3. In an effort to keep the costs of this litigation as low as possible, Plaintiff respectfully requests that Plaintiff’s counsel be allowed to attend the hearing telephonically.

4. Keeping the costs of litigation as low as possible complies Federal Rule of Civil Procedure 1, which dictates that the Federal Rules of Civil Procedure “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” *Id.*

5. Defendants will not be prejudiced by granting the instant Motion.

6. Prior to filing the instant Motion counsel for the parties conferred. Defendant does not oppose the relief requested.

7. This request is made in good faith and not made for the purpose of undue delay.

WHEREFORE, Plaintiff respectfully requests the entry of an order permitting Plaintiff’s counsel to appear telephonically at the hearing set for December 8, 2015 at 10:00 a.m. A proposed order is attached for the Court’s convenience.

Dated: December 7, 2015

Respectfully submitted,

LIPSCOMB, EISENBERG & BAKER, PL

By: /s/ Jessica Fernandez
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GOOD FAITH CERTIFICATION

Plaintiff, by and through undersigned counsel, hereby certifies that on December 7, 2015, undersigned conferred with defense counsel through e-mail in a good faith effort to resolve the

issues raised in this motion and defense counsel advised that he does not oppose the relief requested herein.

By: /s/ Jessica Fernandez

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2015, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF and that service was perfected on all counsel of record and interested parties through this system.

By: /s/ Jessica Fernandez