

1 Paul Duffy (SBN 224159)
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6 *Attorney for Plaintiff*

7 IN THE UNITED STATES DISTRICT COURT FOR THE
8 NORTHERN DISTRICT OF CALIFORNIA

9 AF HOLDINGS LLC,)
10)
11 Plaintiff,)
12 v.)
13)
14 JOHN DOE,)
15 Defendant.)

Case No.3:12-cv-02396-EMC
Judge: Hon. Edward M. Chen
Magistrate Judge: Hon. Nandoor J. Valdas
Motion To Dismiss Voluntarily Pursuant
To Federal Rule of Civil Procedure
41(a)(2)
Date: March 28, 2013
Time: 1:30 P.M.
**PLAINTIFF’S REQUEST TO APPEAR BY
TELEPHONE**

16 **PLAINTIFF’S REQUEST TO APPEAR BY TELEPHONE**

17 Plaintiff AF Holdings LLC, through its undersigned counsel, Paul Duffy and pursuant to
18 Northern District of California Local Rules, hereby requests this Court’s permission to allow Mr.
19 Duffy to appear by telephone at the upcoming Motion To Dismiss Voluntarily Pursuant To Federal
20 Rule of Civil Procedure 41(a)(2), scheduled for March 28, 2013 at 1:30 P.M.

21 Plaintiff’s Motion to Dismiss Voluntarily Pursuant to Federal Rule of Civil Procedure
22 41(a)(2) was filed on February 21, 2013. (ECF No. 62.) The Court granted a motion for the
23 undersigned to substitute on February 26, 2013. (ECF No. 64.) The hearing on the Motion to
24 Dismiss Voluntarily is set for March 28, 2013 at 1:30 P.M.

25 Undersigned counsel respectfully requests that the Court grant him leave to participate in the
26 March 28 hearing by telephone. Counsel lives and works in Chicago, Illinois and, due to
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1 circumstances unforeseen when the March 28 date was designated, has personal and family matters
2 which will greatly limit his ability to travel to the hearing on March 28 and appear in person.
3 Plaintiff has not located counsel to appear in his place in this Court for the March 28, 2013 hearing.
4 Plaintiff therefore respectfully requests that this Court agree to allow him to participate in the March
5 28, 2013 by telephone. In the alternative, Plaintiff respectfully requests that the Court continue the
6 hearing date in this matter so that Plaintiff's counsel may participate personally in the hearing.
7

8 Respectfully Submitted,

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10 **DATED: March 26, 2013**

11 By: /s/ Paul Duffy

12 Paul Duffy (SBN 224159)
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15 paduffy@wefightpiracy.com
16 *Attorney for Plaintiff*
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on March 26, 2013, all counsel of record who are deemed to have consented to electronic service are being served a true and correct copy of the foregoing document using the Court's CM/ECF system.

DATED: March 26, 2013 By: /s/ Paul Duffy, Esq.