

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 09-60973-CIV-ALTONAGA/BROWN

TRANSAMERICA CORPORATION,

Plaintiff,

vs.

MONIKER ONLINE SERVICES, LLC,
OVERSEE.NET, MONIKER PRIVACY
SERVICES, INC., and JOHN DOES 1-10
a/k/a "H.W. Barnes," "Domains Ventures,"
and "Domain Park Limited,"

Defendants.

**DEFENDANTS' AGREED MOTION FOR
EXTENSION OF TIME TO RESPOND TO COMPLAINT**

Defendants, Moniker Online Services, LLC ("Moniker"), Moniker Privacy Services, Inc. ("MPS"),¹ and Oversee.net ("Oversee") (collectively, the "Defendants"), respectfully move for an extension of time, pursuant to Fed. R. Civ. P. 6(b)(1), to respond to the Complaint filed by Plaintiff, Transamerica Corporation ("Transamerica"). As grounds for this motion, Defendants state:

1. Moniker was served with the Complaint on July 9, 2009. MPS was served with the Complaint on July 15, 2009. Transamerica's Counsel has represented to the undersigned that Oversee was served on July 23, 2009, through its registered agent (a third party company that acts as registered agent for many companies), but Oversee has not yet received notice of service. Nevertheless, Oversee today authorized undersigned Counsel to accept service of the Complaint on its behalf.

¹ The correct name of this defendant is Moniker Privacy Services, LLC.

2. Moniker's response to the Complaint is due on July 29, 2009. MPS's response to the Complaint is due on August 4, 2009. Oversee's response to the Complaint is due on August 12, 2009.

3. Defendants seek an extension of time so they can all file their responses to the Complaint at one time. On this basis alone, the Defendants would seek a twenty (20) day extension of time to give Oversee the full time allowable by Fed. R. Civ. P. 12 to respond to the Complaint.

4. In addition, however, the Defendants will soon be serving a motion for sanctions pursuant to Fed. R. Civ. P. 11 on Transamerica. Pursuant to Rule 11, Transamerica is entitled to a twenty-one (21) day safe harbor period to decide if they want to withdraw (or amend) the offending pleading (*i.e.*, the Complaint). Therefore, Defendants seek a thirty (30) day extension of time to allow them sufficient time to complete the Rule 11 motion, serve it on Transamerica, and allow the twenty-one (21) day safe harbor period to expire.

5. Counsel represents and certifies that this motion is being sought in good faith and not for the purpose of interposing undue delay.

6. Pursuant to Local Rule 7.1(A)(3), undersigned counsel conferred with Plaintiff's counsel and represents to this Court that the Plaintiff is in agreement with the Court granting the requested extension of time.

WHEREFORE, Defendants, Moniker Online Services, LLC, Moniker Privacy Services, Inc. and Oversee.net, request that this Court enter an Order granting them an extension of time of thirty (30) days within which to serve a response to the Complaint.

Respectfully submitted,

**DE LA O, MARKO,
MAGOLNICK & LEYTON**

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CERTIFICATE OF SERVICE

I hereby certify that on July 29, 2009, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I also certify that the foregoing document was served this day on all counsel of record and pro se parties identified on the attached Service List either via transmission of Notices of Electronic Filing generated by CM/ECF or in some other authorized matter for those counsel or parties who are not authorized to receive Notices of Electronic Filing.

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/s/ Miguel M. de la O
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