

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

BLITZSAFE TEXAS, LLC,

Plaintiff,

v.

HONDA MOTOR CO., LTD., ET AL.,

Defendants.

Case No. 2:15-CV-1274-JRG-RSP
LEAD CASE
JURY TRIAL DEMANDED

BLITZSAFE TEXAS, LLC,

Plaintiff,

v.

HYUNDAI MOTOR COMPANY., ET AL.,

Defendants.

Case No. 2:15-CV-1275-JRG-RSP
JURY TRIAL DEMANDED

**HYUNDAI AND KIA'S JOINT MOTION FOR A ONE-WEEK CONTINUANCE OF
THE TRIAL DATE**

Defendants Hyundai Motor America (“HMA”), Hyundai Motor Manufacturing Alabama, LLC (“HMMA”), Kia Motors America, Inc. (“KMA”), and Kia Motors Manufacturing Georgia, Inc. (“KMMG”) (collectively “Hyundai and Kia” or “Defendants”) file this Motion to Continue the Trial Date by one week, which is presently set for jury selection on February 6, 2017 under the Court’s Docket Control Order. In support of their motion, Defendants state as follows:

I. INTRODUCTION

On October 30, 2015, this Court consolidated five related cases brought by Blitzsafe Texas, LLC against various car manufacturers.¹ Jury Selection in the consolidated case is set to commence on February 6, 2017 at 9:00 a.m. Dkt. No. 56. On January 10, 2017, the Court entered a preliminary Order on Trial designating the Volkswagen case to go first, with the Hyundai case on deck and scheduled to go forward on February 6, 2017 if the Volkswagen case does not. Dkt. 378.

Defendants have recently learned of a scheduling conflict involving their main technical witness, Dr. Kyriakakis, who is expected to testify on non-infringement and invalidity. Dr. Kyriakakis is an associate professor in the Electrical Engineering department of the University of Southern California. Ex. A, ¶ 1. One of his research projects was selected by the university to be honored at an event hosted by the St. Sophia Greek Orthodox Church in Los Angeles that is scheduled to take place on February 9, 2017. *Id.* at ¶¶ 3-5. The event, entitled “Byzantium 2.0: Acoustic Time Travel” is a matter of great personal and professional importance to Dr. Kyriakakis and involves research collaborators from UCLA and the Berklee College of Music as well as internationally acclaimed Byzantine chanters and other musicians. *Id.* at ¶¶ 4-5. The event will be attended by the President and Trustees of USC, the Dean of the St. Sophia Church, members of the Los Angeles City Council, and several hundred students and other guests. *Id.* at ¶ 5. The event involves an advanced immersive audio installation that must be custom-built for the St. Sophia Cathedral, which will require Dr. Kyriakakis’s daily presence leading up to February 9, 2017. *Id.* at ¶ 6. The scheduling of the event was dictated by the complex schedule of the St. Sophia Cathedral (including the Greek Orthodox Easter observances) and cannot be moved. *Id.* at ¶ 7.

¹ *Blitzsafe Texas, LLC v. Honda Motor Co. et al.*, Case No. 2:15-cv-01274-JRG-RSP; *Blitzsafe Texas, LLC v. Hyundai Motor Company et al.*, 2:15-cv-01275-JRG-RSP; *Blitzsafe Texas, LLC v. Nissan Motor Co. et al.*, 2:15-cv-01276-JRG-RSP; *Blitzsafe Texas, LLC v. Toyota Motor Corp. et al.*, 2:15-cv-01277-JRG-RSP; *Blitzsafe Texas, LLC v. Volkswagen Group of America, Inc. et al.*, 2:15-cv-01278-JRG-RSP.

In light of the Dr. Kyriakakis's scheduling conflict and to avoid any prejudice to the Parties and the Court, and to avoid confusing the jury by altering the order in which witnesses are presented, Defendants request a short 1-week continuance of the trial start date to accommodate Dr. Kyriakakis's schedule. In furtherance of this request, the Hyundai and Kia defendants have also consented to have this case heard before Magistrate Judge Payne. Ex. B.

II. CASE SCHEDULE

The current deadlines and the proposed new dates are set forth below.

Event	Current Date	Proposed Date
9:00 a.m. JURY SELECTION	February 6, 2017	February 13, 2017

III. RELIEF REQUESTED

WHEREFORE, for good cause shown, Defendants respectfully request that the Court extend the aforementioned deadline. Plaintiff has stated that it takes no position in regard to the relief sought in this motion.

Dated: January 17, 2017

Respectfully submitted,

DLA PIPER LLP (US)

By: /s/ Eric H. Findlay

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CERTIFICATE OF CONFERENCE

The undersigned certifies that counsel for Defendants conferred with counsel for Plaintiff on January 16. Plaintiff notified Defendants late in the afternoon of January 17 that Plaintiff “cannot agree, but takes no position” in regard to the relief sought in this motion.

/s/ Matthew Satchwell
Matthew Satchwell

CERTIFICATE OF SERVICE

The undersigned certifies that on January 17, 2017, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document through the Court’s CM/ECF system under Local Rule CV-5(a)(3).

/s/ Eric H. Findlay
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