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Craig Petty*

**IN THE UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

MESIKA MAGIC, a California
corporation, et. al.,

Plaintiffs,

vs.

PENGUIN MAGIC, INC., a Nevada
corporation, et. al.,

Defendants.

Case No. 2:25-cv-07943-MWF-MBK

**DEFENDANT CRAIG PETTY'S
MOTION FOR EXTENSION OF
TIME TO RESPOND TO FIRST
AMENDED COMPLAINT**

Hearing Date: March 23, 2026

Hearing Time: 10:00 a.m.

Courtroom: 5A, 5th Floor

TO: THE COURT, THE PARTIES, AND THEIR RESPECTIVE COUNSEL

PLEASE TAKE NOTICE that on March 23, 2026, at 10:00 a.m., or as soon thereafter as counsel may be heard, in Courtroom 5A before the Honorable Michael W. Fitzgerald, located in the United States District Court, Central District of

1 California, located at 350 West 1st Street, Los Angeles, CA 90012, Defendant Craig
2 Petty will and does move the Court for an order extending Mr. Petty's time to
3 respond to Plaintiffs' First Amended Complaint ("FAC") to April 20, 2026.

4 This motion is based upon this Notice, the attached Memorandum of Points
5 and Authorities, the pleadings and papers on file in this action, and any oral
6 argument made by counsel during the hearing on this Motion.

7 **STATEMENT OF LOCAL RULE 7-3 COMPLIANCE**

8 The undersigned counsel was only recently retained and learned only
9 yesterday that Plaintiffs claim to have served Mr. Petty. Plaintiffs' counsel has
10 refused to provide any information about when or how this alleged service was
11 effected despite multiple requests. In light of this refusal to provide additional
12 information, Petty is filing this motion as soon as possible after learning of
13 purported service, so as not to risk a failure to timely respond to the FAC.
14 Accordingly, despite making attempts to meet and confer with Plaintiffs' counsel
15 in compliance with L.R. 7-3—which are detailed in the Memorandum below—
16 Perry's counsel has not been able to do so prior to filing this motion, and due to the
17 recency with which they were retained, doing so 7 days in advance of filing this
18 motion would have been impossible.

MEMORANDUM OF POINTS AND AUTHORITIES

Defendant Craig Petty did not retain undersigned counsel until February 11, 2026. Declaration of Alex J. Shepard (“Shepard Dec.”), attached as **Exhibit 1**, at ¶ 4. It is Mr. Petty and his counsel, Randazza Legal Group, PLLC’s (“RLG”), understanding that Petty has not yet been properly served with the FAC, and Plaintiffs have not filed a return of service for Mr. Petty. *Id.* at ¶ 5.

Immediately after formally appearing on February 12, counsel for Mr. Petty, Marc J. Randazza, sent an email to Plaintiffs’ counsel, Frederic Douglas, proposing that Mr. Petty’s new counsel accept service on Mr. Petty’s behalf to avoid any complications caused by trying to serve Mr. Petty, who is located in the UK. *Id.* at ¶ 6. On February 17, Douglas responded to this email by asserting that Mr. Petty had already been “duly served.” *Id.* at ¶ 7. This was the first time Mr. Petty or his counsel learned that there was a claim that he was properly served. *Id.* at ¶ 8. In response the same day, Mr. Randazza, after consulting with Mr. Petty and confirming that it did not appear that he was, indeed, properly served, stated that neither Mr. Petty nor his counsel had any record of him being “duly served,” and proposed acceptance of service with an agreed-upon date to respond to the FAC. *Id.* at ¶ 9. Mr. Douglas provided no response other than to tell Mr. Randazza it was “very important that you confirm with Mr. Petty as to whether he has been served.” *Id.* at ¶ 10.

1 On February 18, 2026, Mr. Randazza sent an email to Mr. Douglas asking
2 for proof of service. *Id.* at ¶ 11. Mr. Douglas did not respond. *Id.* A paralegal with
3 Randazza Legal Group (“RLG”) and another of its attorneys, Alex J. Shepard,
4 called Mr. Douglas at the phone number listed on Plaintiffs’ filings in this matter a
5 total of six times to arrange for a call to discuss this issue of service. *Id.* at ¶ 14. No
6 one answered any of these calls. *Id.*

7 It was not until almost 4:30 p.m. on February 18—after RLG sent Mr.
8 Douglas a draft of this Motion—that Douglas finally responded. *Id.* at ¶ 12. He once
9 again did not provide any information about purported service on Mr. Perry, but he
10 did claim the draft motion was full of false statements and blamed an internet outage
11 (two, in fact) on his failure to respond earlier. *Id.* He proposed having a phone call
12 to discuss the motion on February 20, which may be after he thinks Mr. Petty is
13 required to respond to the FAC (it is, again, difficult to tell because Douglas
14 provided no information regarding purported service). The full email exchange
15 between counsel is attached to this Motion as **Exhibit 2**.

16 A defendant ordinarily must file a response to a complaint within 21 days of
17 service. Fed. R. Civ. P. 12(a)(1)(A). The court may extend the time to respond on a
18 showing of good cause. Fed. R. Civ. P. 6(b)(1)(A). A good cause showing is not
19 meant to be rigorous and has been construed broadly. *Ahanchian v. Xenon Pictures,*
20 *Inc.*, 624 F.3d 1253, 1259 (9th Cir. 2010). “[A]n application for extension of time

under Rule 6(b)(1)(A) normally will be granted in the absence of bad faith on the part of the party seeking relief or prejudice to the adverse party.” *Hidden Empire Holdings, LLC v. Angelone*, CV 22-06515-MWF (AGRX), 2025 U.S. Dist. LEXIS 189810, *3 (C.D. Cal. July 21, 2025) (quoting 4B Charles Alan Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1165 (4th ed. 2025)).

Mr. Petty does not know when Plaintiffs claim he was formally served or what their factual basis for this claim is. He thus does not know if this purported service occurred more than 21 days ago. Mr. Petty does not concede he has actually been served. He does not know whether purported service was in compliance with the Hague Service Convention. While Mr. Petty has been made aware of this case, the documents purportedly served were left with a co-worker at his place of employment, who informed the person who dropped off the documents that Mr. Petty would not be back for a number of days. *Id.* at ¶ 13. These documents *may* have been dropped off on January 30, 2026, but Mr. Petty is not certain of this. *Id.*

One thing that is 100% certain is that Mr. Petty was not personally served and thus service of process was not proper. *See C&SM Int’l v. Prettylittlething.Com Ltd.*, No. CV 19-4046-CBM-KSX, 2019 U.S. Dist. LEXIS 227213, *3 (C.D. Cal. Oct. 8, 2019) (quashing service of process on a UK *corporation* when documents were served on a security guard at the company and not on an executive). In the face of this insufficient service, Mr. Petty would be within his rights to file a motion

1 to dismiss under Fed. R. Civ. P. 12(b)(5), at which point Plaintiffs would have the
2 burden of establishing that service was valid. *Id.* at *2-3. It is possible that filing a
3 12(b)(5) motion would provoke opposing counsel to at long last respond to the most
4 reasonable request – to provide a copy of the proof of service.

5 However, Mr. Petty does not wish to trouble the Court with the inefficiency
6 of a 12(b)(5) motion. Most likely the result would be to quash the claimed service
7 for being improper, then giving Plaintiffs more time to serve. And even if that were
8 the result, the undersigned would still accept service.

9 It is much more in line with Fed. R. Civ. P. 1 to simply set an orderly and
10 reasonable date for Mr. Petty to respond to the FAC. Had Plaintiffs' counsel
11 responded to Mr. Petty's proposals or provided any requested information regarding
12 service, this motion would likely not be necessary. However, Plaintiff's counsel
13 waited five days from first contact to respond, and only then close to the end of the
14 business day. In the meantime, he has been quite available by email when it suits
15 him, but upon being asked to meet and confer or for an extension, the line went
16 silent. It seems clear that Attorney Douglas wants to play games rather than act
17 professionally. The Defense will not meet him on his level, but will request that
18 this Court do what Mr. Douglas should have done – set a reasonable date for a
19 response. Mr. Douglas's tendency to selectively ignore reasonable extension
20 requests appears to be a pattern, as he did the same thing when co-Defendant

Penguin Magic, Inc. disputed adequacy of service and sought an extension of time rather than dismissing Plaintiffs' case on technical grounds. *See* ECF 13, 14, 15, & 16. The Court should no longer provide Plaintiffs or their counsel the benefit of the doubt in such matters.

In the face of Plaintiffs' counsel's conduct, and out of an abundance of caution, Mr. Petty is filing this motion to ensure there is no argument that he has failed to timely respond to the FAC. In the unlikely event that Mr. Petty actually has been served, there is good cause to grant Mr. Petty additional time to respond to the FAC.

As the Court is already aware, the FAC asserts eleven causes of action based primarily on statements in a lengthy YouTube video. *Exhibit B* to the FAC contains 9 pages of allegedly defamatory statements uttered during this video. ECF 20 at 35-43. Reviewing the video and performing research on all available defenses will require some time, particularly since Mr. Petty intends to file a special motion to strike under Cal. Code Civ. Proc. § 425.16 and/or a motion to dismiss under Fed. R. Civ. P. 12(b)(6). Shepard Dec. at ¶ 14. 60 days from the date of this motion, meaning April 20, 2026, will provide Mr. Petty and his counsel sufficient time to file a fulsome response. *Id.* at ¶ 15. Sixty days seems reasonable to the Defense. Since Attorney Douglas is pretending to have lost the ability to communicate with

1 the outside world, this extension should be granted absent a compelling argument
2 to the contrary.

3 This is the first extension of time Mr. Petty has requested in this matter. Mr.
4 Petty has not filed this motion in bad faith, but rather as a way of efficiently resolving
5 a potential dispute as to international service. Granting the requested extension has
6 no tendency to prejudice Plaintiffs, and Plaintiffs have at no point suggested that it
7 would. The Court should grant this Motion. *See Johnson v. Bay Area Rapid Transit*
8 *Dist.*, Nos. C-09-0901 EMC, 2014 U.S. Dist. LEXIS 50541, *10 (N.D. Cal. Apr. 10,
9 2014) (“Absent bad faith on the part of the movant or undue prejudice to the other
10 parties to suit, discretionary extensions should be liberally granted”).

11 Dated: February 18, 2026

Respectfully submitted,

12 RANDAZZA LEGAL GROUP, PLLC

13 /s/ Alex J. Shepard

14 Marc J. Randazza, SBN 269535
15 Alex J. Shepard, SBN 295058
8991 W Flamingo Rd., Suite B
Las Vegas, NV 89147

16 *Attorneys for Defendant*
17 *Craig Petty*
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8 **IN THE UNITED STATES DISTRICT COURT**
9 **CENTRAL DISTRICT OF CALIFORNIA**
10 **WESTERN DIVISION**

11 MESIKA MAGIC, et. al.,

12 Plaintiffs,

13 vs.

14 PENGUIN MAGIC, INC., a Nevada
15 corporation, et. al.,
16 Defendants.

Case No. 2:25-cv-07943-MWF-MBK

**DECLARATION OF ALEX J.
SHEPARD**

17 I, Alex J. Shepard, declare:

18 1. I am over 18 years of age and have never been convicted of a crime
19 involving fraud or dishonesty. I have knowledge of the facts set forth herein, and if
20 called as a witness, could and would testify thereto.

2. I am an attorney with the law firm Randazza Legal Group, PLLC (“RLG”). I am licensed to practice in the state of California, and I am counsel of record for Defendant Craig Petty in this matter.

3. I submit this Declaration in support of Defendant Craig Petty’s Motion for Extension of Time to Respond to First Amended Complaint (the “Motion”).

4. On February 11, 2026, RLG was fully retained by Mr. Petty.

5. It is both RLG and Mr. Petty’s understanding that he has not yet been served with the First Amended Complaint (“FAC”), and Plaintiffs have not yet filed a return of service for Mr. Petty.

6. Immediately after formally appearing on February 12, 2026, counsel for Mr. Petty, Marc J. Randazza, sent an email to Plaintiffs’ counsel, Frederic Douglas, proposing that RLG accept service on Mr. Petty’s behalf to avoid any complications caused by trying to serve Mr. Petty, who is located in the UK.

7. On February 17, 2026, Attorney Douglas responded to the aforementioned email by asserting that Mr. Petty had already been “duly served.”

8. This was the first time RLG and Mr. Petty learned that there was a claim that he was properly served.

9. On the same day on February 17, 2026, Mr. Randazza consulted with Mr. Petty and confirmed that it did not appear that he was, indeed, properly served. Mr. Randazza sent an email to Mr. Douglas stating that neither Mr. Petty nor RLG

1 had any record of Mr. Petty being “duly served,” and proposed acceptance of
2 service on Mr. Petty’s behalf with an agreed-upon date to respond to the FAC.

3 10. Mr. Douglas provided no response other than telling Mr. Randazza that
4 it was “very important that you confirm with Mr. Petty as to whether he has been
5 served.”

6 11. On February 18, 2026, Mr. Randazza sent an email to Mr. Douglas
7 asking for proof of service. Mr. Douglas did not respond to this email.

8 12. It was not until almost 4:30 p.m. on February 18—after RLG sent Mr.
9 Douglas a draft of the Motion—that Douglas finally responded. He once again did
10 not provide any information about purported service on Mr. Perry, but he did claim
11 the draft motion was full of false statements and blamed multiple internet outages
12 on his failure to respond earlier. He proposed having a phone call to discuss the
13 motion on February 20. A true and correct copy of the full email exchange between
14 counsel is attached to the Motion as Exhibit 2.

15 13. While Mr. Petty has been made aware of this case, the documents
16 purportedly served were left with a co-worker at his place of employment, who
17 informed the person who dropped off the documents that Mr. Petty would not be
18 back for a number of days. These documents *may* have been dropped off on January
19 30, 2026, but Mr. Petty is not certain of this.
20
21

1 14. A paralegal with RLG and I called Mr. Douglas at the phone number
2 listed on Plaintiffs' filings in this matter a total of six times to arrange for a call to
3 discuss the issue of service. No one answered any of these calls.

4 15. Given the number of causes of action asserted in the FAC and the
5 nature of Plaintiffs' allegations—including dozens of allegedly defamatory
6 statements in an hours-long video—RLG will need additional time to respond to
7 the FAC. This is particularly so given that Mr. Petty intends to file a special motion
8 to strike under Cal. Code Civ. Proc. § 425.16 and/or a motion to dismiss under Fed.
9 R. Civ. P. 12(b)(6).

10 16. 60 days from the date of this Motion, meaning April 20, 2026, will
11 provide Mr. Petty and RLG sufficient time to file a fulsome response.

12 17. This is the first extension of time Mr. Petty has requested in this matter.

13 I declare under the penalty of perjury that the foregoing is true and correct.

14 Dated: February 18, 2026

/s/ Alex J. Shepard



Alex Shepard <ajs@randazza.com>

Mesika adv. Petty 2:25-cv-07943-MWF

11 messages

Marc Randazza <mjr@randazza.com>

Thu, Feb 12, 2026 at 1:57 PM

To: fdouglas@cox.net

Cc: Alex Shepard <ajs@randazza.com>, RLG Las Vegas <rlglv@randazza.com>

Mr. Douglas,

Hi there! Me and my bro Alex (copied) will be defending Mr. Petty. We understand that he has not been served, and given that he's outside the USA, that might be a pain in your ass to get it done. So we were thinking we'd be neighborly and tell you that you can send us a waiver of service of process so we can dispense with all that.

Wanna do that?

Marc John Randazza, JD, MAMC, LLM* | Randazza Legal Group

[8991 W. Flamingo Road, Unit B, Las Vegas, NV 89147](#)

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Firm Offices - Las Vegas | Miami | New England

* Licensed to practice law in Arizona, California, Florida, Massachusetts, and Nevada.

Frederic Douglas <fdouglas@cox.net>

Tue, Feb 17, 2026 at 4:36 PM

To: Marc Randazza <mjr@randazza.com>

Cc: Alex Shepard <ajs@randazza.com>, RLG Las Vegas <rlglv@randazza.com>

Hello Marc Randazza,

Getting back to you after President's Day yesterday.

I just called your office around 4:30 Pacific at (702) 420-2001, the number listed on your notice of appearance.

The nice person who answered told me that you were not in and that it was after hours where you were.

In your email message below, there must be some confusion on your end.

Craig Petty has been duly served.

Perhaps you could check with your client?

Thanks.

Fred

Frederic M. Douglas

[15333 Culver Drive, Suite 340](#)

Irvine, California 92604-3051

(949) 293-0442

fdouglas@cox.net

LinkedIn

<http://www.linkedin.com/pub/frederic-douglas/17/37b/7a1>

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Marc Randazza <mjr@randazza.com>

Tue, Feb 17, 2026 at 5:44 PM

To: Frederic Douglas <fdouglas@cox.net>

Cc: Alex Shepard <ajs@randazza.com>, RLG Las Vegas <rlglv@randazza.com>

Fred,

We have no record of him being "duly served." But at the same time, we do not want to waste your time with silliness like arguing about it. As I said before, we are willing to waive formal service.

If you'd prefer to have a motion to dismiss for improper service and then all that foolishness, I suppose we could oblige. But when I am on the plaintiff's side of things, I usually find that maneuver to be dilatory and a defense attorney just trying to be difficult. And I don't want to be that guy.

So my intent here is to be helpful and courteous. If it is your preference to not accept that, let me know. I'll try to revise my approach, but I sure don't *want* to.

[Quoted text hidden]

--

[Quoted text hidden]

Frederic Douglas <fdouglas@cox.net>

Tue, Feb 17, 2026 at 7:21 PM

To: Marc Randazza <mjr@randazza.com>

Cc: Alex Shepard <ajs@randazza.com>, RLG Las Vegas <rlglv@randazza.com>

Marc,

I think it is very important that you confirm with Mr. Petty as to whether he has been served.

Fred

Frederic M. Douglas

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<http://www.linkedin.com/pub/frederic-douglas/17/37b/7a1>

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[Quoted text hidden]

Marc Randazza <mjr@randazza.com>

Tue, Feb 17, 2026 at 7:35 PM

To: Frederic Douglas <fdouglas@cox.net>

Cc: Alex Shepard <ajs@randazza.com>, RLG Las Vegas <rlglv@randazza.com>

Like I said, I asked him and we have no record of him being "duly served." I don't even know what that means under UK law. I'm not licensed there.

So, lets give the ol college try at us waiving service. We're going to respond, we just have to come to a consensus on when that ought to be. So, for the sake of this discussion, presume you "duly served" him and the reply was due 30 days ago, and we are a month late.

Would you, regardless of our hypothetical 30 day tardiness, be willing to give us until March 20 to get our responsive pleading in?

[Quoted text hidden]

Marc Randazza <mjr@randazza.com>

Wed, Feb 18, 2026 at 9:53 AM

To: Frederic Douglas <fdouglas@cox.net>

Cc: Alex Shepard <ajs@randazza.com>, RLG Las Vegas <rlglv@randazza.com>

Frederic,

If you have a copy of any proof of service, we would love to take a look at it. My client says he has nothing that resembles that. And we do not see proof of service filed on the docket.

[Quoted text hidden]

Alex Shepard <ajs@randazza.com>

Wed, Feb 18, 2026 at 12:30 PM

To: Marc Randazza <mjr@randazza.com>

Cc: Frederic Douglas <fdouglas@cox.net>, RLG Las Vegas <rlglv@randazza.com>

Frederic,

We have tried calling you several times today to discuss this issue. Since we have not heard back from you, and in light of your claim that Mr. Petty has been served, we are going to file a motion with the court today for additional time to respond to the First Amended Complaint.

-Alex

[Quoted text hidden]

--

Alex James Shepard* | **Randazza Legal Group, PLLC**

720 Seneca St, Ste 107, Seattle, WA 98101

Tel: 702-420-2001 | Email: ajs@randazza.com

* Licensed to practice law in California, Nevada, and Washington

Alex Shepard <ajs@randazza.com>

Wed, Feb 18, 2026 at 3:59 PM

To: Marc Randazza <mjr@randazza.com>

Cc: Frederic Douglas <fdouglas@cox.net>, RLG Las Vegas <rlglv@randazza.com>

Frederic,

For your reference, attached is a draft of the motion we plan to file. We will do so within the next hour if we don't hear from you.

-Alex

[Quoted text hidden]



2026.02.18 - Petty MET to Respond to FAC [DRAFT].pdf
216K

Frederic Douglas <fdouglas@cox.net>

Wed, Feb 18, 2026 at 4:24 PM

To: Marc Randazza <mjr@randazza.com>, Alex Shepard <ajs@randazza.com>

Cc: RLG Las Vegas <rlglv@randazza.com>

Your draft motion is full of false statements.

For example, "Since Attorney Douglas is pretending to have lost the ability to communicate with the outside world, this extension should be granted absent a compelling argument to the contrary."

I have been in meetings today, along with other tasks to attend to.

You did not confirm whether Mr. Petty denies being served.

You make up plenty of negative statements with no basis, other than calling me incessantly when I am in meetings. I called you first. You were not in, and the person answering said you were beyond the workday.

You started out by falsely claiming that you do not know whether Mr. Petty was served.

Today, my Internet service stopped twice in the same day.

You can make all the exaggerations you want, but you do not communicate in good faith.

You are supposed to have a pre-filing conference in the time allotted for the L.R. 7-3 that you

mentioned.

You make numerous false statements, which do not facilitate resolving any issues. You should pause, consider whether you are multiplying litigation, and consider whether your false and exaggerated statements to the Court benefit you and your client.

The time for you to initiate the pre-filing conference pursuant to L.R. 7-3 has long passed. As your people told me yesterday, February 17, 2026, that your work day was over at 4:29 pm, and now it is 4:21 pm Pacific, I will make myself available for a telephone conference on Thursday, February 19, 2026, at 9 am Pacific, should you have any desire to discuss.

Fred

Frederic M. Douglas
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(949) 293-0442

fdouglas@cox.net

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<http://www.linkedin.com/pub/frederic-douglas/17/37b/7a1>

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[Quoted text hidden]

Marc Randazza <mjr@randazza.com>

Wed, Feb 18, 2026 at 4:32 PM

To: Frederic Douglas <fdouglas@cox.net>

Cc: Alex Shepard <ajs@randazza.com>, RLG Las Vegas <rlglv@randazza.com>

Fred, here's how you solve it: Propose a date you would like our responsive pleading. If you are incapable of doing that, we file the motion. Either that, or you at least confirm, in writing, that while this is getting worked out, you're not going to pull some maneuver like seeking default.

[Quoted text hidden]

Marc Randazza <mjr@randazza.com>

Wed, Feb 18, 2026 at 4:36 PM

To: Frederic Douglas <fdouglas@cox.net>

Cc: Alex Shepard <ajs@randazza.com>, RLG Las Vegas <rlglv@randazza.com>

and... i am unsure where you got the idea that our work day was over at 4:29 PM. We are available to discuss this evening. But, we are also filing this today unless you agree to either 1) our client is not in default and you will not seek default while we are figuring out the service issue (and our client has *not* been served) or 2) you simply agree to a reasonable date for a responsive pleading.

This is really easy, Fred. I'm not sure why you're coming apart at the seams about it.

While you're at it, if you think our client has been served, kindly provide a copy of the proof of service and we'll work from there. But from our client's view, he has not been served.

[Quoted text hidden]