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MESIKA MAGIC & YIGAL MESIKA

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

MESIKA MAGIC, a California
corporation, YIGAL MESIKA, an
individual

Plaintiffs,

vs.

PENGUIN MAGIC, INC., a Nevada
corporation, CRAIG PETTY, a resident
of the United Kingdom, DOES 1-10,
inclusive,

Defendants

Case No.: 2:25-cv-07943-MWF-(MBKx)

**Plaintiffs' Opposition to Defendant Craig
Petty's Opposed Motion for Extension
To Respond to Complaint**

Date: March 23, 2026

Time: 10:00 A.M.

Judge: Hon. Michael W. Fitzgerald

Courtroom: 5A

MEMORANDUM OF POINTS AND AUTHORITIES

1.0 INTRODUCTION

Plaintiffs MESIKA MAGIC and YIGAL MESIKA (collectively, "Plaintiffs") P
respectfully oppose the Defendant CRAIG PETTY's ("Petty") Motion for Extension

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1 to Respond to Complaint (the “Motion”). As shown below, Petty brings its Motion
2 late, ignores requirements and procedures detailed in this Court’s Local Rules and the
3 Judge’s requirements for motions for continuances, and publicly confirmed service of
4 the First Amended Complaint (FAC) with a deadline to respond of February 19, 2026,
5 one day after his Motion.

6
7 **2.0 PETTY ALLEGES A VALID DISPUTE AS TO THE SUFFICIENCY OF**
8 **SERVICE, BUT WAIVES THAT ISSUE**

9
10 Penguin Magic’s Motion, with support from its Exhibits, alleges that it should
11 have more time to respond to the FAC as it contests the adequacy of service. Petty
12 could have, but did not, file a motion to quash service. Petty filed a motion for an
13 extension of time to respond to the FAC.

14 Exhibit 2 to the concurrently filed Declaration of Frederic M. Douglas
15 (“Douglas Declaration”) is a true and correct copy of the Craig Petty GiveSendGo
16 Campaign, available at <https://www.givesendgo.com/sued-for-speaking-out>, posted
17 on February 13, 2026 by Craig Petty. As can be seen on the first page of the
18 February 13, 2026 post, in the first image, Craig Petty is shown holding up and
19 displaying the FAC that was served upon him in the United Kingdom.

20 In Exhibit 3 to the Douglas Declaration, there is a transcript of Craig Petty’s
21 February 13, 2026 video, on his YouTube channel, “Sued For Speaking Out,”
22 available at <https://youtu.be/DLAWm1SgoJM?si=yNtoAotbmNz1gji0>. In the video,
23 Craig Petty stated, at about 1:17 through 1:25, “I was served with a 105-page
24 complaint . . . [it] was hand-delivered to my office. 105 pages.”

25 In Exhibit 4 to the Douglas Declaration, the comments to Craig Petty’s
February 13, 2026 video on Craig Petty YouTube channel, “Sued For Speaking

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1 Out,” available at <https://youtu.be/DLAwm1SgoJM?si=yNtoAotbmNz1gji0> are
2 displayed. In response to a commenter asking if the lawsuit works “across the
3 pond,” Petty replied, “Unfortunately yes. He has sued me through The Hague
4 Convention. He has served me and I have till the 19th to respond.” Clearly, Craig
5 Petty was familiar with the documents served upon him, and understood that
6 February 19, 2026 was 21 days after he had been served, on January 29, 2026.
7 Perhaps this is why Petty’s attorneys rushed to file the motion for extension on
8 February 18, 2026.

9 Defendant Craig Petty was properly served with the First Amended
10 Complaint in the United Kingdom.

11 While his attorneys play games misrepresenting whether Mr. Petty confirms
12 proper service, and they claim to be ignorant of the service, their client is
13 simultaneously raising money online by explicitly telling his audience he was hand-
14 delivered the 105-page complaint.

15 3.0 COMPLIANCE WITH LOCAL RULES

16
17 Petty’s counsel seems to be aware of various Local Rules, however, they Magic
18 seem to not take those rules seriously.

19 **L.R. 7-3** – The Judge Requirements for this case state that “Prior to filing a
20 motion, counsel shall comply with the requirement of conference of counsel under L.R.
21 7-3.”¹ A review of Petty’s own Exhibits fails to show a clear, specific request for a
22 L.R. 7-3 pre-filing conference “to discuss thoroughly, preferably in person, the
23 substance of the contemplated motion and any potential resolution.”² Petty’s attorneys
24 misleadingly disputed service, assumed that Plaintiffs would issue a waiver of service,

25 ¹ Available at <https://apps.cacd.uscourts.gov/Jps/honorable-michael-w-fitzgerald>.

² L.R. 7-3.

1 and did not agree to have a pre-filing conference on February 20, 2026.

2 If Craig Petty's counsel had honored Plaintiffs' request to have a pre-filing
3 conference pursuant to L.R. 7-3, Plaintiffs' counsel could have advised them of
4 Craig Petty publicly confirming service, the situation with the FAC and the SAC,
5 the tentative decision, and could have listened to any feedback they could have
6 provided in a pre-filing conference to avoid the motion for an extension or at least
7 limit the issues involved in such a motion.

8 This is why the Court requires pre-filing conferences. Instead, Petty's
9 counsel insulted Plaintiffs' counsel claiming that he was "pretending to have lost
10 the ability to communicate with the outside world," before Plaintiffs' counsel even
11 informed them of why he could not communicate as rapidly on February 18, 2026
12 as they had demanded.

13 Petty's own exhibit of the email chain between counsel shows that Plaintiff's
14 counsel called days before and did not get any solid response until the urgency to file a
15 motion on February 18, 2026, during which Plaintiffs' counsel had connection
16 problems and several important meetings.

17 If Penguin Magic considered the pre-filing conference requirement to not be a
18 trivial formality easily ignored, the Motion could have been better crafted. Instead,
19 Plaintiffs and this Court must spend time addressing the Motion that Petty filed, not the
20 Motion that Petty should have filed.

21 A district court has the discretion to strike a motion that fails to comply with the
22 local rules. *See Christian v. Mattel, Inc.*, 286 F.3d 1118, 1129 (9th Cir. 2002) ("The
23 district court has considerable latitude in managing the parties' motion practice and
24 enforcing local rules that place parameters on briefing.").

25
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1 **4.0 FAC Never Dismissed As to Craig Petty**

2
3 As stated in the Tentative Order, it is “not to be entered on the docket and will
4 be entirely superseded by the final order. This tentative decision should never be cited
5 in this or any other case.” See, Exhibit 1 to Douglas Declaration. Although the Court
6 had stated at the February 2, 2026 hearing that it would issue a written final order, no
7 such order has been issued to date. Because no final written order has been issued, it
8 would have been improper to treat the First Amended Complaint (FAC) as formally
9 dismissed, let alone advise opposing counsel to rely on a non-binding, non-citable
10 tentative decision.

11 The tentative decision did not apply to Craig Petty, as shown at page 9 of the
12 tentative decision at the end of the second paragraph, “Because only Penguin Magic
13 brings this Motion, the Court makes no determination as to whether the counts should
14 be dismissed as levied against Petty.”

15 At the time of Craig Petty’s Motion for Extension, there was no final decision by
16 Plaintiffs whether to file the SAC, or to retain the FAC and proceed only as to Craig
17 Petty. Since then, Plaintiffs have moved forward with filing the SAC.

18 Plaintiffs are concurrently filing a Second Amended Complaint (SAC) as
19 permitted by the Court’s February 2, 2026 Order stated at the February 2, 2026
20 hearing.

21 **5.0 FILING SAC MAKES MOTION MOOT**

22
23 Plaintiffs are concurrently filing a Second Amended Complaint (SAC) as
24 permitted by the Court’s February 2, 2026 Order stated at the February 2, 2026
25 hearing. Thus, the FAC is a legal nullity and Petty’s Motion for an extension of time is

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moot.

Because Attorney Randazza has formally entered an appearance and repeatedly offered in writing as shown in the exhibit to the Motion, to "waive formal service", Plaintiffs accept that offer for the *Second* Amended Complaint. Plaintiffs will serve the SAC directly upon Petty's U.S. counsel via the CM/ECF system, saving the Court and the Plaintiffs the burden of dealing with his Hague Convention games any further.

5.0 CONCLUSION

For the foregoing reasons, Plaintiffs respectfully request that the Court deny Petty's Motion for an extension.

February 23, 2026

Respectfully submitted,

/s/ Frederic M. Douglas

Frederic M. Douglas
Attorney for Plaintiffs
MESIKA MAGIC and YIGAL MESIKA

The undersigned counsel of record for Plaintiffs certifies that this brief contains 1,196 words, which complies with the word limit of L.R. 11-6.1.

/s/ Frederic M. Douglas

Frederic M. Douglas
Attorney for Plaintiff
MESIKA MAGIC and YIGAL MESIKA
October 6, 2025

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