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**IN 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-MBK

**DEFENDANT CRAIG PETTY'S
REPLY IN SUPPORT OF 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

In their Opposition to Defendant Craig Petty's Motion, Plaintiffs state they
"are concurrently filing a Second Amended Complaint (SAC) as permitted by the
Court's February 2, 2026 Order stated at the February 2, 2026 hearing. Thus, the

1 FAC is a legal nullity and Petty's Motion for an extension of time is moot." ECF
2 36 at 5.

3 However, the SAC was stricken (ECF 38), and the tentative ruling on
4 Penguin Magic's motion to dismiss seems to only address Penguin. Accordingly,
5 Petty's motion is not moot. However, at this point, nobody knows what is due. Mr.
6 Petty does not appear to have been *properly* served. Petty's counsel tried to resolve
7 service issues informally, but Plaintiff's counsel preferred to play "hide the ball" on
8 his intent to file an amended complaint. *See* ECF 33-2. At this point, if Petty is
9 wrong about service being proper, he *could be* exposed to default. Petty may or
10 may not have a response due to a complaint that may or may not be dismissed, and
11 Plaintiffs' counsel has no apparent desire to stipulate to an extension while this is
12 all figured out.

13 This case is in a state of procedural confusion. A Second Amended
14 Complaint of some form or another appears inevitable.¹ Whether service was
15 legally sufficient is a subject of debate. Failing to respond to a likely void complaint
16

17 ¹ If Attorney Douglas would actually meet and confer with us, it is our intent to
18 point out that the jurisdictional allegations are dismissably thin, that the claims
19 themselves lack legal foundation, that the Lanham Act requires commercial speech
20 not present here, and a slew of other weaknesses that should result in him wishing
21 to amend his complaint against Petty even further. But despite his version of events
in the Opposition, it is not Defense counsel that is the impediment to meeting and
conferring here.

1 could result in a request for default and a mess of motion practice to clean it up.
2 Plaintiffs' counsel declined to disclaim any effort to seek a default. *See* ECF 33-2.

3 Petty hates that he has to bother the Court for an order that says "you're not
4 in default while this all gets sorted out," but there is no other option except letting
5 the deadlines go by and hoping for the best. And while doing that is quite likely to
6 result in things working out just fine, the seriousness of the situation does not permit
7 diligent counsel to wait it out and hope that everyone will be reasonable later.

8 The Court should issue an order that Petty will not be held to be in default,
9 and may have 30 days after the filing of, and the Court's acceptance of, an additional
10 Amended Complaint in which to file a response.

11
12 Dated: February 24, 2026

Respectfully submitted,

13 RANDAZZA LEGAL GROUP, PLLC

14 /s/ Marc J. Randazza

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Craig Petty

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

CERTIFICATE OF SERVICE

I CERTIFY that on February 24, 2026, I electronically filed the foregoing document with the Clerk of the Court using CM/ECF. I further certify that a true and correct copy of the foregoing document is being served via transmission of Notice of Electronic Filing generated by CM/ECF.

Respectfully submitted,

/s/ Marc J. Randazza

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