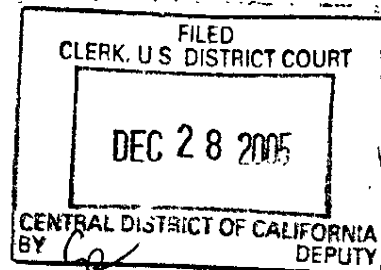


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Attorneys for Plaintiff  
 UNITED STATES OF AMERICA

## UNITED STATES DISTRICT COURT

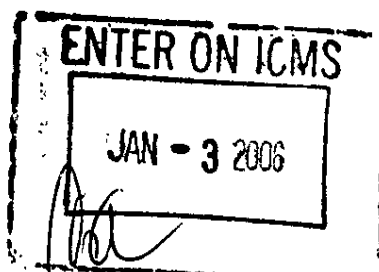
FOR THE CENTRAL DISTRICT OF CALIFORNIA

LODGED  
 DEC 27 PM 3:59  
 U.S. DISTRICT COURT  
 CENTRAL DISTRICT OF CALIF.  
 LOS ANGELES

UNITED STATES OF AMERICA,	) NOS. CR 05-930-CW (M)
Plaintiff,	) CR 05-1032-CW (M) ✓
	) CR 05-1033-CW (M)
v.	) CR 05-1034-CW (M)
	) CR 05-1035-CW (M)
	) CR 05-1036-CW (M)
ALBERT VALENTE,	) CR 05-1037-CW (M)
RAMON VALDEZ,	)
JESSIE LUMADA,	) <u>EX PARTE</u> MOTION FOR SETTING OF PLEA
MICHAEL FOUSSE,	) HEARING; <del>PROPOSED</del> ORDER;
DWIGHT SITYAR,	) DECLARATION OF BRIAN M. HOFFSTADT
STEPHANI GIMA, and	)
JOEL DIMAANO	) Prop. Hearing Date: Jan. 24, 2006
Defendants.	) Prop. Hearing Time: 2:00 p.m.

Plaintiff United States of America, by and through its  
 counsel of record, the United States Attorney for the Central  
 District of California, hereby makes this ex parte application to  
 set a hearing at which defendants Albert Valente, Ramon Valdez,  
 Jessie Lumada, Michael Fousse, Dwight Sityar, Stephani Gima, and  
 Joel Dimaano, may enter their pleas of guilty pursuant to their  
 previously filed plea agreements.

As set forth below in the attached declaration of Brian M.  
 Hoffstadt, the government has spoken with defense counsel for



1 these defendants, and it appears that most, if not all, counsel  
2 will be available to appear before this Court at the proposed  
3 hearing date and time of January 24, 2006, at 2:00 p.m. for the  
4 entry of their guilty pleas. The government believes that it  
5 would be most expeditious and efficient that as many pleas as  
6 possible be entered at the same time given the related nature of  
7 the cases.

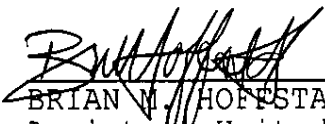
8 For these reasons, the government makes this ex parte  
9 application to set a guilty plea hearing for the date and time  
10 specified above.

11 Date: December 23, 2005 Respectfully submitted,

12 DEBRA WONG YANG  
13 United States Attorney

14 THOMAS P. O'BRIEN  
15 Assistant United States Attorney  
16 Chief, Criminal Division

17 12-23-05  
18 DATE

19   
20 BRIAN M. HOFFSTADT  
21 Assistant United States Attorneys

22 Attorneys for Plaintiff  
23 United States of America

24 O R D E R

25 This Court hereby sets a hearing for January 24, 2006, at  
26 2:00 p.m. for the entry of guilty plea for defendants Albert  
27 Valente, Ramon Valdez, Jessie Lumada, Michael Fousse, Dwight  
28 Sityar, Stephani Gima, and Joel Dimaano.

29   
30 HONORABLE CARLA WOEHRL  
31 UNITED STATES MAGISTRATE JUDGE

**DECLARATION OF BRIAN M. HOFFSTADT**

I, Brian M. Hoffstadt, declare as follows:

1. I am the Assistant United States Attorney assigned to handle the matters of United States v. Albert Valente, CR 05-930-CW (M); United States v. Ramon Valdez, CR 05-1032-CW (M); United States v. Jessie Lumada, CR 05-1033-CW (M); United States v. Michael Fousse, CR 05-1034-CW (M); United States v. Dwight Sityar, CR 05-1035-CW (M); United States v. Stephani Gima, CR 05-1036-CW (M); and United States v. Joel Dimaano, CR 05-1037-CW (M).

2. These cases have been consolidated before the Honorable Carla M. Woehrle, United States Magistrate Judge, because they involve a related series of events -- namely, the theft and subsequent distribution of a copy of *Star Wars: Episode III -- Revenge of the Sith* prior to its release in movie theatres. Each of the above-named defendants has signed and filed a plea agreement, in which he or she has agreed to enter a plea of guilty to a single misdemeanor count of criminal copyright infringement.

3. During the weeks of December 12, 2005, and December 19, 2005, I spoke with the following defense counsel, who informed me of the following regarding their availability to appear before this Court on January 24, 2006, for the purpose of having his/her client enter a plea of guilty:

a. William Pitman, counsel for defendant Albert Valente, informed me that he is currently available to appear for a guilty plea hearing on January 24, 2006, at 2:00 p.m.

SCANNED

1 b. Errol Stambler, counsel for defendant Ramon  
2 Valdez, informed me that he is currently available to appear for  
3 a guilty plea hearing on January 24, 2006, at 2:00 p.m.

4 c. Kim Savo, counsel for defendant Jessie Lumada,  
5 informed me that she is currently available to appear for a  
6 guilty plea hearing on January 24, 2006, at 2:00 p.m.

7 d. Philip Deitch, counsel for defendant Michael  
8 Fousse, was out of town when I contacted him directly about the  
9 January 24, 2006, date. However, in a letter dated December 14,  
10 2005, I informed Mr. Deitch of a tentative January 24, 2006,  
11 date, and he raised no objection.

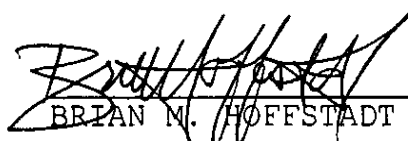
12 e. Anthony Solis, counsel for defendant Dwight  
13 Sityar, informed me that he is currently available to appear for  
14 a guilty plea hearing on January 24, 2006, at 2:00 p.m.

15 f. David Kaloyanides, counsel for defendant Stephani  
16 Gima, informed me that he is currently available to appear for a  
17 guilty plea hearing on January 24, 2006, at 2:00 p.m.

18 g. Brian Newman, counsel for defendant Joel Dimaano,  
19 informed me that he currently has a trial set before Judge  
20 Manella to begin on January 24, 2006; however, he is not certain  
21 at this time whether the trial will go on that date. He may also  
22 be able to make alternative arrangements to appear for a plea in  
23 this matter.

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

26 Dated: December 23, 2005

27   
28 BRIAN M. HOFFSTADT

CERTIFICATE OF SERVICE

I, **YOLANDA AGUAYO**, declare:

That I am a citizen of the United States and resident or employed in Los Angeles County, California; that my business address is the Office of the United States Attorney, United States Courthouse, 312 North Spring Street, Los Angeles, California 90012; that I am over the age of eighteen years, and I am not a party to the above-entitled action;

That I am employed by the United States Attorney for the Central District of California who is a member of the Bar of United States District Court for the Central District of California, at whose discretion I served a copy of: **EX PARTE MOTION FOR SETTING OF PLEA HEARING; (PROPOSED) ORDER; DECLARATION OF BRIAN M. HOFFSTADT**

Service was:

☐ Placed in a closed envelope, for collection and interoffice delivery addressed as follows:

☐ Placed in a sealed envelope for collection and mailing via United States Mail, addressed as follows:

☐ By hand delivery addressed as follows:

☒ By facsimile as follows:


☐ By messenger as follows:

☐ By federal express as follows:

**SEE ATTACHED LIST**

This Certificate is executed on December 27, 2005, Los Angeles, California.

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

  
YOLANDA AGUAYO

SCANNED

**SERVICE LIST**  
**U.S. v. VALENTE, ET AL.,**

SCANNED

**VIA FACSIMILE:**

BILL PITMAN, ESQ.  
Facsimile: (213) 629-0208

ERROL STAMBLER, ESQ.  
Facsimile: (310) 470-3968

KIM SAVO, ESQ.  
Facsimile: (213) 894-0081

PHIL DEITCH, ESQ.  
Facsimile: (323) 938-3318

ANTHONY SOLIS  
Facsimile: (213) 489-5923

DAVID KALOYANIDES  
Facsimile: (626) 609-0305

BRIAN NEWMAN, ESQ.  
Facsimile: (310) 337-0063