

U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2:06-cv-01909-JFB-ARL

Novak v. Tucows Inc. et al
Assigned to: Judge Joseph F. Bianco
Referred to: Magistrate-Judge Arlene R. Lindsay
Demand: \$83,000,000
Cause: 28:1332 Diversity-Personal Injury

Date Filed: 04/25/2006
Date Terminated: 03/26/2007
Jury Demand: Plaintiff
Nature of Suit: 360 P.I.: Other
Jurisdiction: Diversity

Plaintiff

Robert Novak
doing business as
PetsWarehouse.com

represented by **Robert Novak**
1550 Sunrise Highway
Copiague, NY 11726
631-789-5400
PRO SE

V.

Defendant

Tucows Inc.

represented by **Glenn Matthew Mitchell**
SCHWIMMER MITCHELL Law Firm
40 Radio Circle, Suite 7
Mount Kisco, NY 10549
914-769-0545
Fax: 914-459-1231
Email: glenn@schwimmerlegal.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

OpenSRS

represented by **Glenn Matthew Mitchell**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Nitin Networks Inc.

represented by **Gary Adelman**
Adelman & Lavania, LLC
90 John Street
Suite 304
New York, NY 10038
212-374-0181
Fax: 212-269-0401
Email: gary@gpa-law.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/26/2007	48	CLERK'S JUDGMENT in favor of Nitin Networks Inc., OpenSRS, Tucows Inc. against Robert Novak. Ordered by Judge Joseph F. Bianco on 3/26/07. (Bollbach, Jean) (Entered: 03/28/2007)

03/26/2007	47	MEMORANDUM AND ORDER granting 14 Motion to Dismiss; granting 18 Motion to Dismiss for Lack of Jurisdiction. For the reasons set forth in the attached Memorandum and Order, defendants' motions to dismiss for improper venue are GRANTED. See attached Memorandum and Order. SO ORDERED. Ordered by Judge Joseph F. Bianco on 3/26/07. (Dingle, Shanya) (Entered: 03/26/2007)
02/23/2007	46	RESPONSE in Support re 18 MOTION to Dismiss for Lack of Jurisdiction <i>and Improper Forum Tucows' Response to Plaintiff's Supplemental Reply Brief</i> filed by Tucows Inc.. (Attachments: # 1 Appendix Opinion in Bennett v. America Online, Inc., 2007 WL 241318) (Mitchell, Glenn) (Entered: 02/23/2007)
02/21/2007	45	NOTICE - supplemental reply brief re 44 Status Conference (Bollbach, Jean) (Entered: 02/21/2007)
02/09/2007	44	Minute Entry for proceedings held before Joseph F. Bianco : Oral Argument held on 2/9/2007; case called; all sides present; witness Robert Novak sworn; argument heard and decision reserved (Court Reporter Owen Wicker.) (Bollbach, Jean) (Entered: 02/12/2007)
02/09/2007		ORDER. IT IS HEREBY ORDERED that, as stated during the evidentiary hearing and oral argument held on February 9, 2007 at 2:30 p.m., plaintiff shall submit to the Court a short letter brief, setting forth the additional cases relevant to this matter that were referred to by plaintiff in his direct examination, on or before February 16, 2007. Defendants shall submit their reply, if any, on or before February 23, 2007. IT IS FURTHER ORDERED that defendants serve a copy of this order on pro se plaintiff. SO ORDERED. Ordered by Judge Joseph F. Bianco on 2/9/07. (Dingle, Shanya) (Entered: 02/09/2007)
02/02/2007	43	ORDER re 40 Letter filed by Robert Novak - request for additional 5-8 min to testify at evidentiary hearing is GRANTED.. Ordered by Judge Joseph F. Bianco on 2/2/07. (Bollbach, Jean) (Entered: 02/05/2007)
01/30/2007	42	Letter dtd. 1/30/07 from Robert Novak to Judge Bianco RE: in response to letter dtd 1/29/06 from Mr. Mitchell (Bollbach, Jean) (Entered: 02/05/2007)
01/30/2007	41	Letter dtd 1/30/07 from counsel for Tucows Inc. to Judge Bianco RE: in response to letter dtd. 1/29/07 from plaintiff mr. Novak (Bollbach, Jean) (Entered: 01/31/2007)
01/30/2007	39	Letter <i>objecting to request to reopen direct testimony</i> by Tucows Inc. (Mitchell, Glenn) (Entered: 01/30/2007)
01/29/2007	40	Letter dtd 1/29/07 from Robert Novak to Judge Bianco RE: request a few minutes 5-8 more to continue testimony (Bollbach, Jean) (Entered: 01/31/2007)
01/25/2007	38	Minute Entry for proceedings held before Joseph F. Bianco : ORAL ARGUMENT held on 1/25/2007 (Court Reporter Ellen Combs.) case called, conf. held; to continue on 2/9/07 at 2:30 pm (Bollbach, Jean) (Entered: 01/26/2007)
01/17/2007		SCHEDULING ORDER. IT IS HEREBY ORDERED that the evidentiary hearing and oral argument previously scheduled for January 16, 2007, shall be held on January 25, 2007 at 11:30 A.M. at the United States Federal Courthouse, 100 Federal Plaza, Central Islip, New York in Courtroom 920. Counsel for defendant Tucows shall serve a copy of this order on pro se plaintiff. SO ORDERED. Ordered by Judge Joseph F. Bianco on 1/17/07. (Dingle, Shanya) (Entered: 01/17/2007)
01/16/2007		ORDER. IT IS HEREBY ORDERED that the evidentiary hearing and oral argument previously scheduled for Tuesday, January 16, 2007 at 11:30 a.m. is adjourned. SO ORDERED. Ordered by Judge Joseph F. Bianco on 1/16/07. (Dingle, Shanya) (Entered: 01/16/2007)
12/22/2006	37	Evidentiary Hearing held on 12/22/2006 before Joseph F. Bianco: (Court Reporter Paul Lombardi.)all sides present; deputy Michele Savona, witnesses Elliot Noss and Nitin Agarwal; hearing set for 1/16/07 at 11:30; argument heard. (Bollbach, Jean) (Entered: 01/03/2007)
11/20/2006		SCHEDULING ORDER: Oral argument is rescheduled from December 20, 2006 to December 22, 2006 at 2:00 p.m. The conference will be held in the United States Federal Courthouse, 100 Federal Plaza, Central Islip, New York, Courtroom 920. Ordered by Judge Joseph F. Bianco on 11-20-06. (Dasaro-Savona, Michele) (Entered: 11/20/2006)
11/13/2006	36	ORDER that the evidentiary hearing and oral argument previously set for 10/27/06 at 10:00 is now scheduled for 12/20/06 at 2:00 in the Central Islip Courthouse in Courtroom 920.. Ordered by Judge Joseph

		F. Bianco on 11/13/06. (Bollbach, Jean) (Entered: 11/13/2006)
10/24/2006		ORDER granting 35 motion to continue. Defendant Tucows' motion to continue the evidentiary hearing is hereby GRANTED. The evidentiary hearing and oral argument previously scheduled for October 27, 2006 at 10:00 a.m. are adjourned without date. The Court will notify the parties once a new date is set for the evidentiary hearing and oral argument. SO ORDERED. Ordered by Judge Joseph F. Bianco on 10/24/06. (Dingle, Shanya) (Entered: 10/24/2006)
10/24/2006	35	MOTION to Continue <i>Evidentiary Hearing</i> by Tucows Inc.. (Mitchell, Glenn) (Entered: 10/24/2006)
10/23/2006	34	ORDER Evidentiary Hearing set for 10/27/2006 10:00 AM before Judge Joseph F. Bianco.. Ordered by Judge Joseph F. Bianco on 10/19/06. (Bollbach, Jean) (Entered: 10/23/2006)
10/13/2006	33	CERTIFICATE OF SERVICE by Nitin Networks Inc. <i>re Reply Memorandum to Opposition to Motion to Dismiss</i> (Adelman, Gary) (Entered: 10/13/2006)
10/13/2006	32	RESPONSE in Support re 18 MOTION to Dismiss for Lack of Jurisdiction <i>and Improper Forum</i> , 14 First MOTION to Dismiss, 19 Memorandum of Law in Support <i>Reply Memorandum</i> filed by Tucows Inc.. (Mitchell, Glenn) (Entered: 10/13/2006)
10/13/2006	31	RESPONSE in Opposition re 18 MOTION to Dismiss for Lack of Jurisdiction <i>and Improper Forum</i> , 14 First MOTION to Dismiss, 19 Memorandum of Law in Support filed by Robert Novak. (Attachments: # 1 Supplement Memo Part 2# 2 Supplement Memo Part 3)(Mitchell, Glenn) (Entered: 10/13/2006)
10/13/2006	30	AFFIDAVIT in Opposition re 18 MOTION to Dismiss for Lack of Jurisdiction <i>and Improper Forum</i> , 14 First MOTION to Dismiss, 19 Memorandum of Law in Support filed by Robert Novak. (Attachments: # 1 Exhibit A-B# 2 Exhibit C-E# 3 Exhibit F-H# 4 Exhibit I-K# 5 Exhibit L# 6 Exhibit M-N# 7 Exhibit O-S# 8 Exhibit T-X)(Mitchell, Glenn) (Entered: 10/13/2006)
10/13/2006	29	AFFIDAVIT in Support re 14 First MOTION to Dismiss <i>Affidavit of Nitin Agarwal re Reply to Opposition of Motion to Dismiss</i> filed by Nitin Networks Inc.. (Adelman, Gary) (Entered: 10/13/2006)
10/13/2006	28	REPLY to Response to Motion re 14 First MOTION to Dismiss filed by Nitin Networks Inc.. (Adelman, Gary) (Entered: 10/13/2006)
09/29/2006		ORDER re 27 MOTION for Extension of Time to File Response/Reply <i>and to file oversized Memo of Law in Support of Motion to Dismiss</i> filed by Tucows Inc.: IT IS HEREBY ORDERED that defendants' application to file an oversized reply brief is GRANTED. Ordered by Judge Joseph F. Bianco on 09/29/2006. (Howard, Timothy) (Entered: 09/29/2006)
09/28/2006		ORDER granting 27 Motion for Extension of Time to File Response/Reply: IT IS HEREBY ORDERED that defendants' reply must be filed by October 13, 2006. Ordered by Judge Joseph F. Bianco on 09/28/2006. (Howard, Timothy) (Entered: 09/28/2006)
09/26/2006	27	MOTION for Extension of Time to File Response/Reply <i>and to file oversized Memo of Law in Support of Motion to Dismiss</i> by Tucows Inc.. (Mitchell, Glenn) (Entered: 09/26/2006)
09/15/2006	26	ORDER re 25 Letter filed by Robert Novak: IT IS HEREBY ORDERED that plaintiff's application for an extension of time to file his memorandum in opposition to defendants' motion to dismiss is granted. Plaintiff must file his brief in opposition by Monday, September 18, 2006. IT IS FURTHER ORDERED that counsel for defendants must fax a copy of this order to plaintiff. Ordered by Judge Joseph F. Bianco on 09/15/2006. (Howard, Timothy) (Entered: 09/15/2006)
09/15/2006	25	Letter from Robert Novak to Honorable J. Bianco, dated 9/13/06 re: To request an enlargement of time to 9/18/06, for plttf to file his opposition brief to defts' motions to dismiss. (Fagan, Linda) (Entered: 09/15/2006)
09/13/2006	24	Letter <i>in response to Plaintiff's request for extension</i> by Tucows Inc.. (Mitchell, Glenn) (Entered: 09/13/2006)
08/14/2006	23	Minute Entry for proceedings held before Joseph F. Bianco, U.S. District Judge: Civil Cause for Pre Motion Conference held on 8/14/2006 at 3:00PM. Case called. Counsel for all sides present. Conference held. Amended schedule: Motion to be filed by 9/15/06; Response by 10/6/06. Oral argument set for

		10/27/06 at 10:00AM. Court Reporter: Dominick Tursi. (Valle, Christine) (Entered: 08/14/2006)
08/03/2006	22	SCHEDULING ORDER: IT IS HEREBY ORDERED that counsel for all parties appear for a pre-motion conference on Monday, August 14, 2006 at 3:00 p.m. in the United States Federal Courthouse, 100 Federal Plaza, Central Islip, NY, Courtroom 920. IT IS FURTHER ORDERED that counsel for defendant Tucows, Inc. serve a copy of this order on the pro se plaintiff. Ordered by Judge Joseph F. Bianco on 8/3/2006. (Howard, Timothy) Additional attachment(s) added on 8/7/2006 (Fagan, Linda). (Entered: 08/03/2006)
08/02/2006	21	Letter in response to August 1, 2006 letter by Robert Novak requesting pre-motion conference by Tucows Inc.. (Mitchell, Glenn) (Entered: 08/02/2006)
08/01/2006	20	Letter from Robert Novak to Honorable J. Bianco, dated 8/1/06 re: To request a premotion conference with respect to an application to strike Declarations and Exhibits of Renda Lazare, Evgeniy Pirogov and Nitin Aarwal. (Fagan, Linda) (Entered: 08/01/2006)
07/11/2006		Incorrect Case/Document/Entry Information - Document 19 filed on 7/10/06 by Glenn Mitchell as "Motion to Dismiss/Lack of Jurisdiction" has been modified to reflect correct entry information. This document is a Memorandum of Law and NOT a Motion. All corrections have been made. (Valle, Christine) (Entered: 07/11/2006)
07/11/2006		Motions terminated; docketed incorrectly Re: 19 MOTION to Dismiss for Lack of Jurisdiction and <i>Improper Forum -- Memo of law in support of motion</i> filed by Tucows Inc. (Valle, Christine) (Entered: 07/11/2006)
07/10/2006	19	MEMORANDUM of Law in Support Re: 18 Motion to Dismiss for Lack of Jurisdiction by Tucows Inc. Responses due by 9/1/2006 (Mitchell, Glenn) Modified on 7/11/2006 to correct entry information. (Valle, Christine). (Entered: 07/10/2006)
07/10/2006	18	MOTION to Dismiss for Lack of Jurisdiction and <i>Improper Forum</i> by Tucows Inc.. Responses due by 9/1/2006 (Attachments: # 1 Affidavit Pirogov Declaration and Exhibits# 2 Affidavit Lazare Declaration and Exhibits# 3 Affidavit Mitchell Declaration and Exhibit M# 4 Exhibit Mitchell Declaration, Exhibits N-R# 5 Certificate of Service on pro se plaintiff)(Mitchell, Glenn) (Entered: 07/10/2006)
07/10/2006	17	Corporate Disclosure Statement by Tucows Inc.. (Mitchell, Glenn) (Entered: 07/10/2006)
07/10/2006	16	Corporate Disclosure Statement by Nitin Networks Inc.. (Adelman, Gary) (Entered: 07/10/2006)
07/10/2006	15	CERTIFICATE OF SERVICE by Nitin Networks Inc. re 14 First MOTION to Dismiss (Adelman, Gary) (Entered: 07/10/2006)
07/10/2006	14	First MOTION to Dismiss by Nitin Networks Inc.. Responses due by 9/1/2006 (Adelman, Gary) (Entered: 07/10/2006)
06/09/2006	13	Calendar Entry for proceedings held on 6/9/06 at 11:00 a.m. before Joseph F. Bianco, United States District Judge for Civil Cause for Pre-Motion Conference; Appearances: For Pltff(s): Robert Novak; For deft(s): Gary Adelman and Glen Mitchell; Reporter: Paul Lombardi. Case called. Counsel for all sides present. Conference held. Motion to be filed by: 7/10/06; Response by: 9/1/06; Reply by: 9/15/06. Oral argument set for 10/27/06 at 10:00 a.m. (Fagan, Linda) (Entered: 06/09/2006)
06/09/2006	12	Amended Summons & First Amended Complaint returned executed by Robert Novak. Nitin Networks Inc. served on 5/24/06, answer due 6/13/06. (Fagan, Linda) (Entered: 06/09/2006)
06/01/2006	10	By letter 9 dated June 1, 2006, counsel for defendant Tucows, Inc. requested a pre-motion conference concerning a motion to dismiss. IT IS HEREBY ORDERED that counsel for all parties appear for a pre-motion conference on Friday, June 9, 2006 at 11:00 a.m. in the United States Federal Courthouse, 100 Federal Plaza, Central Islip, New York, Courtroom 920. IT IS FURTHER ORDERED that counsel for defendant Tucows, Inc. serve a copy of this order on the pro se plaintiff. See attached order. Ordered by Judge Joseph F. Bianco on 06/01/2006. (Howard, Timothy) (Entered: 06/01/2006)
06/01/2006	9	Letter requesting pre-motion conference by Tucows Inc.. (Mitchell, Glenn) (Entered: 06/01/2006)
05/18/2006	11	Certified Mail Receipt Re: Article No. 7005 1820 0004 0295 4892 addressed to Robert Novak; Date of Delivery: 5/16/06. (Valle, Christine) (Entered: 06/05/2006)

05/16/2006	8	AMENDED COMPLAINT (<i>First</i>) against Nitin Networks Inc., Tucows Inc., OpenSRS, filed by Robert Novak.(Fagan, Linda) (Entered: 05/16/2006)
05/12/2006	7	Letter <i>regarding legal status of OpenSRS</i> by Tucows Inc., OpenSRS. (Mitchell, Glenn) (Entered: 05/12/2006)
05/11/2006	6	ORDER granting 5 and denying 4 : See attached order for details. Ordered by Judge Arlene R. Lindsay on May 11, 2006. (c/ecf/d, cmrrr# 7005 1820 0004 0295 4892/p) (Cornett, Alix) Modified on 5/12/2006 (Morabito, Bryan). (Entered: 05/11/2006)
05/11/2006	5	First MOTION for Extension of Time to File Answer <i>or otherwise respond to complaint</i> by all defendants. (Mitchell, Glenn) (Entered: 05/11/2006)
05/10/2006	4	Letter from Robert Novak to Honorable J. Bianco, dated 5/9/06 re: To request that the Court deny Mr. Martin Schwimmer's request for a 30 day extension of time to answer the initial complaint served upon the defts on 4/17/06.(Fagan, Linda) (Entered: 05/10/2006)
04/27/2006		Case Ineligible for Arbitration(Bollbach, Jean) (Entered: 04/27/2006)
04/26/2006	3	Letter from Lorraine Sapienza to Pro Se Litigant dated 4/26/06 Re: To advise that pursuant to Rule 4 of the FRCP, plttf is responsible to serve the summons and complaint upon each of the dfets. (Valle, Christine) (Entered: 04/27/2006)
04/26/2006	2	Letter from Lorraine Sapienza to Pro Se Litigant dated 4/26/06 Re: To acknowledge receipt of Pltff's Civil Complaint. (Valle, Christine) (Entered: 04/27/2006)
04/25/2006		Summons Issued as to Tucows Inc., OpenSRS. (Duong, Susan) (Entered: 04/26/2006)
04/25/2006	1	COMPLAINT (<i>Receipt# 19572</i>) against Tucows Inc., OpenSRS \$ 350, filed by Robert Novak. (Attachments: # 1 Civil Cover Sheet)(Duong, Susan) (Entered: 04/26/2006)

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