

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF WASHINGTON

BUNGIE, INC. a Delaware Corporation

Plaintiff,

v.

AIMJUNKIES.COM, a business of unknown  
classification; PHOENIX DIGITAL GROUP  
LLC, an Arizona limited liability company;  
JEFFREY CONWAY, an individual; DAVID  
SCHAEFER, an individual; JORDAN  
GREEN, an individual; and JAMES MAY, an  
individual;

Defendants.

Case No.: 2:21-cv-811-TSZ

**NOTICE OF OPPOSITION TO  
PLAINTIFF'S MOTION FOR DEFAULT  
AND REQUEST FOR ADDITIONAL  
TIME TO SECURE COUNSEL AND  
RESPOND TO COMPLAINT**

Defendants AIMJUNKIES.COM, PHOENIX DIGITAL GROUP LLC, JEFFREY  
CONWAY, DAVID SCHAEFER, JORDAN GREEN, and JAMES MAY (collectively  
"Defendants") file this Notice of Opposition To Plaintiff's Motion for Default and Request for  
Additional Time to Secure Counsel and Respond to Complaint:

1. Defendants have been in active, good faith negotiations with Plaintiff Bungie, Inc. with  
respect to this matter since at least July 2021. Together, the parties have submitted  
several joint motions to extend the time for Defendants' responses to the Complaint  
with the latest calling for response by Defendants to be made on November 15, 2021.  
The latest settlement terms were exchanged between the parties on November 16, 2021,  
including a viable monetary component addressing Plaintiff's alleged "damages", but

1 still Plaintiff saw fit, just three days later and without notice, to attempt a default  
2 against Defendants in this Court.

- 3 2. These sharp practices by Bungie, Inc. and its counsel should not be countenanced by  
4 the Court. Because Defendants and Plaintiff were in active ongoing settlement  
5 discussions, Defendants had not yet secured counsel to represent them in this action  
6 before the United States District Court, District of Washington at the time Bungie, Inc.  
7 moved forward with its claim of default.
- 8 3. Defendants have now identified counsel licensed to practice before this Court and are in  
9 process of negotiating her retention and securing representation with respect to this  
10 litigation. Defendants intend to respond to the Complaint in this matter, including  
11 asserting their respective defenses against the claims alleged and potential cross-  
12 complaint, but need additional time for counsel to acquaint herself with the pleadings at  
13 issue.
- 14 4. Defendants respectfully request additional time of 21 days from the date of this filing to  
15 respond to the Complaint.

16 Dated: November 26, 2021

17  
18  
19 

20 David Schaefer

21 /s/ Jordan Green

22 Jordan Green

23 /s/ Jeff Conway

24 Jeff Conway

25 /s/ James May

26 James May

27   
28 David Schaefer for AIMJUNKIES.COM

David Schaefer for PHOENIX DIGITAL GROUP,  
LLC

**PROOF OF SERVICE**

I, David Schaefer, declare:

On the date set forth below, I served the within:

**NOTICE OF OPPOSITION TO PLAINTIFF'S MOTION FOR DEFAULT AND  
REQUEST FOR ADDITIONAL TIME TO SECURE COUNSEL AND RESPOND TO  
COMPLAINT**

on the parties in this action as listed below:

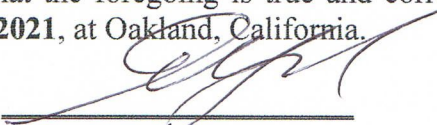
<i>William C. Rava</i> <i>PERKINS COIE LLP</i> <i>1201 Third Avenue, Suite 4900</i> <i>Seattle, Washington 98101-2099</i> <i>WRava@perkinscoie.com</i>	
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☒ (By Mail) I enclosed the document in an envelope addressed to the persons at the addresses listed above and placed it in the regular mail for regular daily pickup by the United States Postal Service at my place of business.

☐ (By CM/ECF) I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the parties identified above as recipients of such filing.

☒ (By Email) I sent a copy of the attached pleading by email to the persons at the email address listed above.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on **November 26, 2021**, at Oakland, California.

  
\_\_\_\_\_  
David Schaefer