

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
CASE NO. 11-23557-CIV-UNGARO

ACUSHNET COMPANY, *et al.*,

Plaintiffs,

vs.

TANG HAINAN, *et al.*,

Defendants.

/

PLAINTIFFS' RESPONSE TO ORDER TO SHOW CAUSE

Plaintiffs, Acushnet Company, Callaway Golf Company, Roger Cleveland Golf Company, Inc., SRI Sports Limited, Karsten Manufacturing Corporation, and Taylor Made Golf Company, Inc. (collectively "Plaintiffs"), by and through their undersigned counsel, hereby submit their response to the Court's Order to Show Cause, dated January 23, 2012, (DE 35), and state as follows:

1. On January 23, 2012, this Court entered an Order to Show Cause (DE 35) requiring Plaintiffs to show cause on or before January 27, 2012 why Plaintiffs have not requested the Clerk to enter default against the Defendants in this matter, or in the alternative to request entry of Clerk's default against the Defendants. Plaintiffs respectfully submit this response to the Court's Order to Show Cause.

2. As detailed in the Proofs of Service, dated November 9, 2011 (DE 29 and 30) and Plaintiffs' Notice of Inability to Comply, dated December 2, 2011, (DE 31), on November 7, 2011, each Defendant had a true and accurate copy of Summons and Complaint in this matter delivered to him personally via electronic mail. Additionally, on November 9, 2011, pursuant to Rules 4(f)(2)(A), Federal Rules of Civil Procedure, and Article 84 of the Peoples Republic of

China's Civil Procedure Code, Plaintiffs served each Defendant with his respective Summons and the Complaint by public announcement via publication through the Court authorized publication site <http://www.servingnotice.com/hainan/index.html>. Under the terms of Article 84 of the Peoples Republic of China's Civil Procedure Code, service via public announcement becomes effective 60 days after publication.

3. Accordingly, the Defendants were deemed served 60 days after the November 9, 2011 publishing of the Summonses and Complaint on the Defendants websites via <http://www.servingnotice.com/hainan/index.html>, i.e. January 8, 2012. Pursuant to Rule 4 of the Federal Rules of Civil Procedure, the Defendants are entitled to twenty-one (21) days in which to file their response in this action. As service upon the Defendants became effective on January 8, 2012, Plaintiffs reasonably believe the Defendants' deadline to respond is twenty-one (21) days from January 8, 2012, and therefore docketed January 30, 2012 as the Defendants' deadline to respond to the Summonses and Complaint in this matter.¹

4. Therefore, unless this Court instructs otherwise, Plaintiffs will submit their Application for Entry of Clerk's Default on January 30, 2012.

WHEREFORE, Plaintiffs respectfully request this Court deem the foregoing responsive to the Order To Show Cause (DE 35), and accepts Plaintiffs' docketing calculation of January 30, 2012 as the deadline for the Defendants to respond, and allows the submission of Plaintiffs' Application for Entry of Clerk's Default against the Defendants on January 30, 2012.

¹ The twenty-first day falls on Saturday, January 28, 2012. Accordingly, pursuant to the Rules of this Court, Plaintiffs carried the deadline over to the next business day.

I HEREBY CERTIFY that on January 27, 2012, I electronically filed the foregoing document with the Clerk of Court using CM/ECF. I also certify that a true copy of the foregoing was served this 27th day of January, 2012, the Defendants via electronic mail at the following e-mail addresses:

3841220@qq.com
banghaoxman@hotmail.com
ca50179@gmail.com
downzq87@gmail.com
easybuygolf@gmail.com
golfsales365@gmail.com
golfsuno@gmail.com
golfsuno@golfsuno.com
idealgolfclubs.com@domainsbyproxy.com
info@golfsuno.com
mbtflygogo@gmail.com
mygolfpurchase@gmail.com
proxy2603679@1and1-private-registration.com
roger.coo@hotmail.com
service@golfsales365.com
sunogolf@gmail.com
tklink099@googlemail.com
xhct105@gmail.com
xhct105@hotmail.com
xiefengboy@hotmail.com
yoyohai071@gmail.com
zhangxing@126.com
service@mygolfing18.com

and by public announcement via publication by posting a true and accurate copy of the foregoing on the website <http://www.servingnotice.com/hainan/index.html>.

s:/vgigante/
Stephen M. Gaffigan