

No. 09-15932

In the
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MDY INDUSTRIES LLC AND MICHAEL DONNELLY,

Plaintiffs-Appellants,

v.

BLIZZARD ENTERTAINMENT, INC. AND VIVENDI GAMES, INC.,

Defendants-Appellees.

APPEAL FROM THE UNITED STATES DISTRICT COURT,
DISTRICT OF ARIZONA
CASE NO. 06 CIV. 2555
JUDGE DAVID G. CAMPBELL

**Appellant's Unopposed Motion for 30-day Extension of Time to File Opening
Brief**

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Appellant's Unopposed Motion for 30-day Extension of Time to File Opening Brief

Plaintiffs-Appellants MDY Industries LLC and Michael Donnelly (“MDY”) request a thirty (30) day extension of the briefing deadlines set forth in the Court’s Time Schedule Order of May 8, 2009. A thirty (30) day extension would make Appellant’s opening brief and excerpts on the record due on September 14, 2009, with the other deadlines similarly extended. Defendant-Appellees consent to the relief sought in this motion. This is Appellants’ first request.

Good cause supports this motion. As set forth in the attached declaration, this case presents difficult and novel questions in the areas of Copyright Law, the Digital Millennium Copyright Act, and Tortious Interference with Contracts. The Court’s resolution of these issues will likely have significant impact far beyond the facts of the case. While Appellants’ counsel has already commenced work on this appeal, a full load of other legal matters and previously scheduled family vacations ending shortly before the first brief is due make a thirty (30) day extension substantially necessary.

/s/Lance C. Venable
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DECLARATION OF LANCE C. VENABLE

I, Lance C. Venable, have personal knowledge of the facts set forth below:

1. I am an attorney licensed to practice before this Court. I am lead counsel in this case and I am managing partner at the firm Venable, Campillo, Logan & Meaney, P.C.

2. This is the first request for an extension of time. Appellants' opening brief is currently due on August 14, 2009. We request a thirty (30) day extension until September 14, 2009.

3. I have spoken with opposing counsel and they do not oppose our request.

4. This extension of time is necessary and will not prejudice any party.

5. This appeal presents difficult and novel questions in the area of Copyright Law, the Digital Millennium Copyright Act and Tortious Interference with Contracts. Resolving these issues will likely have significant impact far beyond the facts of the case. Joseph Meaney and I have been the attorneys at our firm who have done substantially all of the legal work on this case.

6. We have already commenced work on the appeal, but we must also balance a full workload of other legal matters for other clients. In addition, when scheduling out the work that must be accomplished, family vacations involving pre-purchased airplane tickets for both Joseph Meaney and me make compliance

with the current deadline a significant hardship. Among other things, our vacations end with little time before the filing deadline.

7. We have exercised diligence and the opening brief will be filed within the time we request here.

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

Dated: June 12, 2009

s/Lance C. Venable
Lance C. Venable

CERTIFICATE OF SERVICE

I hereby certify that on June 12, 2009, I electronically transmitted this document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following persons via electronic mail:

Name	Email Address
Christian Genetski, Esq.	cgenetski@sonnenschein.com
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I hereby certify that on _____, I served the attached document by FIRST CLASS MAIL on the following, who are not registered participants of the CM/ECF System:

Name	Physical or Email Address

s/ Joseph R. Meaney