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8
 9 UNITED STATES DISTRICT COURT
 10 DISTRICT OF ARIZONA

11 JENNA MASSOLI p/k/a JENNA)
 JAMESON,)
 12)
 Plaintiff,)

No. CV 05-0854 PHX EHC

13 vs.)
 14 "REGAN MEDIA," and JUDITH)
 REGAN, an individual,)
 15)
 Defendants.)

**REPLY IN SUPPORT OF
 MOTION FOR LEAVE TO FILE
 SUR-RESPONSE IN
 OPPOSITION TO PLAINTIFF/
 COUNTERDEFENDANTS'
 RULE 56(F) MOTION**

[Oral Argument Requested]

16 _____)
 17 REGAN MEDIA, INC., a New York)
 18 corporation, and JUDITH REGAN, an)
 individual,)
 19)
 Defendants/Counterclaimants,)

(Assigned to the Honorable
 Earl H. Carroll)

20 vs.)
 21)
 22 JENNA MASSOLI p/k/a JENNA)
 JAMESON, an individual,)
 23)
 Plaintiff/Counterdefendant,)

24 and)
 25)
 26 JAY GRDINA, an individual,)
 _____)
 Third-Party Counterdefendant.)

1 The Motion filed by Defendants/Counterclaimants Regan Media, Inc. and Judith
2 Regan (collectively, “Defendants”) for leave to file a Sur-Response in Opposition to
3 Plaintiff/Counterdefendants’ Rule 56(f) Motion should be granted. On June 17, 2005,
4 Plaintiff/Counterdefendant Jenna Massoli p/k/a Jenna Jameson and Third-Party
5 Counterdefendant Jay Grdina (collectively, “Jameson”) filed a Rule 56(f) Motion arguing
6 that the Agreement between the parties is ambiguous and that extrinsic evidence is
7 necessary to clarify the intent of the parties. In her brief, Jameson argued that (1) the term
8 “Television Networks” is ambiguous (Rule 56(f) Motion at 6); (2) the term “Other
9 Potential Financiers” is ambiguous (*id.* at 7); and (3) the term “Further” is ambiguous.
10 [*Id.*] Jameson also argued that Defendants’ Rule 12(c) Motion should be converted to a
11 motion for summary judgment and that the parties’ pleadings are at odds, precluding
12 judgment on the pleadings. [*Id.* at 8-11.] Defendants filed their Response to this Motion
13 on July 1, 2005.
14

15 In her Reply filed on July 18, 2005, Jameson offered an entirely different argument,
16 now maintaining that she did not actually enter into a contract with A&E. She also
17 suggested for the first time that the term “Any Similar Projects” is ambiguous. Neither of
18 these arguments was made in her initial Rule 56(f) Motion. Jameson also attached the
19 A&E Contract, a document Defendants had never seen. Because Jameson raised new
20 arguments and submitted an entirely new document in her Reply brief, it is only fair that
21 Defendants be given an opportunity to respond to these new arguments.
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1 Defendants respectfully request that the Court enter an order allowing Defendants
2 to file a signed version of the Sur-Response previously submitted as Exhibit A to
3 Defendants Motion for Leave to File Sur-Response.
4

5 Respectfully submitted this 16th day of August, 2005.

6 STEPTOE & JOHNSON LLP

7
8 By s/David J. Bodney

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CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of August, 2005, I caused the attached document to be electronically transmitted to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electric Filing to the following CM/ECF Registrants:

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