

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-01546-REB-CBS

THE DIRECT MARKETING ASSOCIATION,

Plaintiff,

v.

ROXY HUBER, in her capacity as Executive Director,
COLORADO DEPARTMENT OF REVENUE,

Defendant.

**JOINT MOTION TO EXTEND THE DEADLINE FOR FILING JOINT DESIGNATION OF
ADDITIONAL DEPOSITION TESTIMONY BY ONE DAY**

The parties by their respective counsel jointly move the Court for a one day extension of time to December 17, 2010, to file their Joint Designation of Additional Deposition Testimony for the hearing on Plaintiff's Motion for Preliminary Injunction and as grounds therefore, state as follows:

1. Pursuant to D.C.COLO.LCivR. 7.1A, counsel for Defendant and Plaintiff conferred regarding this motion and join in the relief requested herein.
2. On December 3, 2010, pursuant to Court Order, the parties filed their Joint Status Report Regarding Hearing on Motion for Preliminary Injunction ("Joint Status Report") in which the parties agreed and stipulated that, among other things, they would file a Joint Designation of Additional Deposition Testimony ("Joint Designation") with the Court on December 16, 2010.
3. On December 6, 2010, the Court entered an Order approving the Joint

Status Report and ordering that the Joint Designation be filed on December 16, 2010.

In that Order the Court set oral argument on Plaintiff's Motion for Preliminary injunction for January 13, 2011.

3. On December 10, 2010, counsel for Defendant sent via electronic mail designations of additional deposition testimony for witnesses Thomas Adler and Kevin Lane Keller to counsel for Plaintiff. However, the electronic mail was misaddressed and it did not come back to Defendant's counsel as undeliverable improper address.

4. Defendant's counsel learned of the non- delivery of her designation of testimony on December 15, 2010, and immediately re-sent the designations of December 10, 2010, to Plaintiff's counsel which he received and contacted Plaintiff's counsel.

4. The parties have agreed that the Defendant's designations of December 10, 2010, should be included in the Joint Designation but that because of the delay caused by the misaddressing of those designations they need an additional day to prepare the complete Joint Designation and to be sure it is properly highlighted in accordance with the Court's Practice Standard. REB Civ. Practice Standard III. F. 6.

5. Plaintiff's counsel has authorized Defendant's Counsel to advise the Court that this motion is filed as a joint motion.

8. Good cause exists for a one day extension of the deadline to file the Joint Designation.

WHEREFORE, the parties request this Court enter an Order granting the parties a one day extension to file their Joint Designation of Additional Deposition Testimony to and including December 17, 2010.

Respectfully submitted this 16th day of December, 2010.

JOHN W. SUTHERS
Attorney General

s/ Jack M. Wesoky

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CERTIFICATE OF SERVICE

I hereby certify that on December 16, 2010, I electronically filed the foregoing **JOINT MOTION TO EXTEND THE DEADLINE FOR FILING JOINT DESIGNATION OF ADDITIONAL DEPOSITION TESTIMONY** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-addresses:

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Attorney for Plaintiff

s/ Jack M. Wesoky
