

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

ROBERT DEMAR	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 05 C 5093
	)	
THE CHICAGO WHITE SOX, et al.	)	Judge Der-Yeghiayan
	)	
Defendants.	)	

**AGREED MOTION FOR LEAVE TO FILE REPLY  
IN SUPPORT OF MOTION TO DISMISS INSTANTER**

NOW COME the Defendants, Chicago White Sox, Ltd., ChiSox Corporation, At Your Service, Inc. and At Your Service LLC, by and through their undersigned attorneys, and for their Agreed Motion for Leave to File Reply Brief in Support of Motion to Dismiss Instanter, state as follows:

1. Pursuant to this Court’s previous schedule, the undersigned Defendants filed both a 12(b)(6) and 12(e) Motion to Dismiss and Plaintiff filed his response to this Motion to Dismiss wherein he, commendably, made an effort to clarify the type of ADA claim intended to be brought. Pursuant to the Court’s previous oral schedule, Defendants’ Reply Brief in Support of this Motion to Dismiss was due to be filed on December 22, 2005.

2. Counsel for the Plaintiff has no objection to the granting of this Motion.

3. During the weeks of December 19th and December 26th, 2005, there have been two holidays and two recognized Court holidays which also brought counsel for the Defendants out of town. In addition, counsel for the Defendants have had other professional obligations during this same period of time, including researching, preparing and drafting both a Motion to Clarify Ruling on Summary Judgment and a separate Motion to Reconsider denial of Summary Judgment in the case *Chambers vs.*

*Sheahan*, 01 L 00527 (Cook County), and preparing for oral argument in support of a Motion to Dismiss in *Canel vs. Topinka*, 00 CH 13279 (Cook County). Defense counsel have also prepared and filed a motion to dismiss in *McCabe v. Budz*, 02 C 4648 (N.D. Ill.) and are in the process of drafting a motion to dismiss in *Lewis v. Budz*, 04 C 758 (N.D. Ill.) and an appellate brief in *Tineybey v. Adams* (7th Cir.). Defense counsel has also been retained in two separate TRO proceedings. The first TRO, which was pending before the Honorable Elaine Bucklo, and only recently dismissed by the Plaintiff (*Abney v. Monahan*, Case No. 05 C 5582). The second TRO is still pending before the Southern District of Florida (*Oce North America v. Caputo*, Case No. 05 C 81067). Finally, defense counsel have also been retained to defend the matter of *Sain v. Budz*, Case No. 05 C. 6394. In short, it was a busy December for defense counsel.

4. Counsel for the Defendants also sought to confirm the due date for the filing of their Reply Brief, but this information was not reflected on the Pacer System and instead did confirm the filing deadline through communication with counsel of record.

5. No party will be prejudiced by a five business day extension of the filing deadline in light of the fact that Plaintiff has agreed to this Motion, the parties have been engaging in the exchange of discovery during the pendency of this Motion and the parties are not set to appear before this Court again until January 31, 2006.

6. The undersigned does not bring this Motion to unduly delay this matter, but brings it so that all matters, properly briefed, may be presented to the Court for consideration and in the hope that a narrowing of the issues will assist in the efficient litigation and resolution of the issues presented by Plaintiff's Complaint.

7. A copy of the Defendants' proposed Reply Brief is attached hereto as Exhibit A and will be re-filed to the extent leave is granted.

WHEREFORE, the Defendants, Chicago White Sox, Ltd., ChiSox Corporation, At Your Service, Inc. and At Your Service LLC, respectfully request leave from this Court for leave to file, *instanter*, their Reply Brief in Support of their 12(d)(6) and 12(e) Motions to Dismiss Plaintiff's Complaint and for any other additional relief that this Court deems just and proper.

Respectfully submitted,

By: /s/ James C. Vlahakis

One of the Attorney for defendants,  
Chicago White Sox, Ltd., ChiSox  
Corporation (hereinafter the "Sox  
defendants"), At Your Service, Inc. and  
At Your Service LLC

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CERTIFICATE OF SERVICE

I hereby certify that on January 5, 2006, I electronically filed defendants, Chicago White Sox, Ltd., ChiSox Corporation (hereinafter the "Sox defendants"), At Your Service, Inc. and At Your Service LLC's **Agreed Motion For Leave To File Reply in Support of Motion to Dismiss Instanter**, with the Clerk of the Court using the CM/ECF system which will send notification of such filing(s) to all counsel of record.

Respectfully submitted,

By: /s/ James Vlahakis

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