Document 34

Filed 06/29/2006 Page 1 of 2

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

| CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW, INC., |))) |
|---|---------------------------------|
| Plaintiff, |) CASE NO. 06 C 0657 |
| v. |) Judge Amy J. St. Eve |
| CRAIGSLIST, INC., |) Magistrate Judge Jeffrey Cole |
| Defendant. |))) |

MOTION TO FILE A SURREPLY BRIEF IN OPPOSITION TO CRAIGSLIST'S MOTION FOR JUDGMENT ON THE PLEADINGS

Plaintiff Chicago Lawyers' Committee for Civil Rights Under Law, Inc., by its attorneys, hereby move this Court for leave to file a Surreply Brief in Opposition to craigslist's Motion for Judgment on the Pleadings. In support of this Motion, Plaintiff states as follows:

- 1. On June 21, 2006, the day Defendant craigslist, Inc.'s Reply Brief in Support of its Motion for Judgment on the Pleadings was due, a large group of providers of interactive computer services and trade associations sought leave to file an amicus brief in support of craigslist's Motion for Judgment on the Pleadings. This Court granted that group leave to file their brief.
- 2. Even though this case has received wide media attention and one member of the amicus group owns 25 percent of Defendant craigslist, the amicus group did not seek leave to file an amicus brief at the time craigslist filed its opening brief. The amicus group, in its brief and motion did not explain why it did not or could not have filed its amicus brief in April 2006 when craigslist filed its opening brief and the usual and typical time amicus briefs in support of the

moving party are filed, so that Plaintiff could have responded to their arguments in Plaintiff's response brief.

- 3. As a result of the amicus group filing its brief as a reply brief instead of when the moving party filed its opening brief, Plaintiff did not have an opportunity to respond to the arguments made by the amicus group. The proposed Surreply Brief responds to the late filed brief of the amicus group.
- 4. The issues raised in this case and briefed by the parties and amici are important and significant. Plaintiff would be happy to participate in oral argument on these issues if the Court believes oral argument would be helpful.

WHEREFORE, Plaintiff Chicago Lawyers' Committee for Civil Rights Under Law, Inc., respectfully requests leave to file the accompanying Surreply Brief in order to respond to the arguments made by the amicus group.

Respectfully submitted,

/s/ Stephen D. Libowsky

Stephen D. Libowsky Wm. Bradford Reynolds Louis A. Crisostomo Howrey LLP 321 North Clark Street, Suite 3400 Chicago, Illinois 60610 (312) 595-1239

Laurie Wardell Elyssa Balingit Winslow Chicago Lawyers' Committee for Civil Rights Under Law, Inc. 100 North LaSalle Street, Suite 600 Chicago, Illinois 60602 (312) 630-9744

Attorneys for Plaintiff Chicago Lawyers' Committee for Civil Rights Under Law, Inc.

Dated: June 29, 2006