

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

ERICH SPECHT, an individual, and doing business
as ANDROID DATA CORPORATION, and THE
ANDROID'S DUNGEON INCORPORATED,

Plaintiffs,

v.

GOOGLE INC.,

Defendant.

Civil Action No. 09-cv-2572

Judge Harry D. Leinenweber

Magistrate Judge Jeffrey Cole

GOOGLE INC.,

Counterclaim Plaintiff,

v.

ERICH SPECHT, an individual, and doing business
as ANDROID DATA CORPORATION, and THE
ANDROID'S DUNGEON INCORPORATED,

Counterclaim Defendants.

**PLAINTIFFS' MOTION FOR EXTENSION OF TIME TO RESPOND
TO GOOGLE'S AFFIRMATIVE DEFENSES AND COUNTERCLAIMS
AND TO SET A SCHEDULING CONFERENCE WITH THE COURT**

Plaintiffs Erich Specht, Android Data Corporation and The Android's Dungeon Incorporated ("Plaintiffs"), by their attorneys, Novack and Macey LLP and Martin Murphy, hereby move: (a) for a 28-day extension of time in which to answer or otherwise plead in response to the affirmative defenses and counterclaims filed by Defendant Google Inc. ("Google"); and (b) to set a scheduling conference with the Court. In response, Plaintiffs state as follows.

1. Google filed an answer, affirmative defenses and counterclaims on August 18, 2009. Plaintiffs' deadline to answer or otherwise plead in response to Google's affirmative defenses and counterclaims is September 8, 2009.

2. The counterclaims include eight counts, most, if not all, of which fail to state a claim on which relief may be granted.

3. Last week, Plaintiffs retained Novack and Macey LLP ("Lead Counsel") to be lead counsel in this case. Plaintiffs' attorney, Martin Murphy, will remain in the case and assist Lead Counsel.

4. Plaintiffs' new counsel is working diligently to prepare Plaintiffs' response to the affirmative defenses and counterclaims but needs additional time beyond the current September 8 deadline.

5. The relief requested herein will not cause prejudice to any party, and is not sought for purposes of delay or harassment.

6. Plaintiffs' counsel contacted counsel for Google and asked whether Google had any objection to the requested relief. Counsel for Google said that Google would consent to an extension, but only for ten days -- *i.e.*, until September 18, 2009. While Plaintiffs' counsel appreciates that courtesy, a ten-day extension is not enough time under the circumstances, especially given that Lead Counsel has only just been retained in this matter.

7. In addition, Plaintiffs request that the Court set a scheduling conference pursuant to Rule 16(b)(2) of the Federal Rules of Civil Procedure. Counsel for Google concurs with this request.

WHEREFORE, Plaintiffs respectfully request that the Court grant this Motion and enter an Order: (a) extending Plaintiffs' deadline to answer or otherwise plead in response to Google's

affirmative defenses and counterclaims to October 6, 2009; (b) setting a scheduling conference; and (c) granting any such further relief as the Court deems appropriate.

Respectfully submitted,

ERICH SPECHT, ANDROID DATA
CORPORATION, and THE ANDROID'S
DUNGEON INCORPORATED

By: /s/ John F. Shonkwiler
One of Their Attorneys

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CERTIFICATE OF SERVICE

John F. Shonkwiler, an attorney, certifies that he caused copies of the foregoing motion to be served by electronically filing the document with the Clerk of Court using the ECF system this 1st day of September, 2009.

/s/ John F. Shonkwiler