

Fourth Amended Complaint is 68 pages, 273 paragraphs and contains ten counts against all defendants, including four new counts that were not contained in the Second Amended Complaint, his last operative complaint. Plaintiff has also added eight, newly named defendants.¹ To the knowledge of the Moving Defendants, Plaintiff has yet to serve any of these newly named defendants.

2. On November 16, 2012, the Court entered an order that, *inter alia*, set the matter for status hearing on January 10, 2013 at 9:00 a.m. (Docket 165).

3. According to the Federal Rules of Civil Procedure, “[u]nless the court orders otherwise, any required response to an amended pleading must be made within the time remaining to respond to the original pleading or within 14 days after service of the amended pleading, whichever is later.” F.R. Civ. P. 15(a)(1)(b)(3). Accordingly, the deadline for the Moving Defendants to respond to the Fourth Amended Complaint is today, November 29, 2012.

4. Given the length of the Fourth Amended Complaint, the addition of four new claims and new (yet-to-be served) parties, along with other professional obligations of counsel for certain of the Moving Defendants (including an appellate brief due in the Seventh Circuit on December 24, 2012) and the intervening holidays, the Moving Defendants request until January 7, 2013 to file their respective responses to the Fourth Amended Complaint.

5. Notwithstanding his own request for a 60-day extension to file the Fourth Amended Complaint,² on November 28, 2012, Plaintiff indicated that he would not agree to the extension requested by the Moving Defendants. No party will suffer prejudice as a result of the proposed extension.

¹ The newly named defendants are Breaking Media, LLC, Breaking Media, Inc., Gawker Media, LLC, Gawker Sales, LLC, Blogwire Hungary Szellelemi Alkotast Hasznosito KFT, Gawker Media Group, Inc., Gawker Entertainment, LLC and Gawker Technology, LLC.

² Plaintiff has requested and received other extensions in this case as well. See Docket 51, 80.

WHEREFORE, the Moving Defendants respectfully request that this Court enter an order extending to January 7, 2013, the time within which the Moving Defendants must respond to the Fourth Amended Complaint, and providing such further relief as the Court deems appropriate.

Dated: November 29, 2012

Respectfully submitted,

ABOVETHELAW.COM, DAVID LAT, ELIE MYSTAL, BREAKINGMEDIA.COM, JOHN LERNER, DAVID MINKIN, and BREAKING MEDIA

GAWKER MEDIA, JEZEBEL.COM, NICK DENTON, IRIS CARMON, and GABBY DARBYSHIRE

By: /s/ Steven P. Mandell
One of their attorneys

By: /s/ David L. Feige
One of their attorneys

Steven P. Mandell (ARDC #6183729)
Steven L. Baron (ARDC #6200868)
Mandell Menkes LLC
One North Franklin, Ste. 3600
Chicago, Illinois 60606
(312) 251-1000

David L. Feige (Admitted *pro hac vic*)
Giskan, Solotaroff Anderson & Stewart
11 Broadway, Ste 2150
New York, New York 10004
(212) 847-8315

Attorneys for Abovethelaw.com, David Lat, Elie Mystal, Breakingmedia.com, John Lerner, David Minkin, and Breaking Media

Daniel Lynch (ARDC # 6202499)
Lynch & Stern LLP
150 South Wacker Drive, Ste. 2600
Chicago, Illinois 60606
(312) 646-1600

Attorneys for Gawker Media, Jezebel.com, Nick Denton, Iris Carmon, and Gabby Darbyshire