

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

DANIEL E. OWENS, et al.,)	
)	
Plaintiffs,)	
)	
vs.)	CASE NO. 3:09-cv-00479-MJR-DGW
)	
APPLE, INC.,)	
)	
Defendant.)	

**DEFENDANT APPLE INC.'S MOTION
FOR EXTENSION OF TIME TO FILE RESPONSIVE PLEADING**

Defendant Apple, Inc. (“Apple”) moves this Court to enter an Order granting it an additional 30 days to answer, or otherwise respond to, Plaintiffs’ Class Action Complaint. In support of its Motion, Apple states as follows:

1. Plaintiffs filed this case seeking certification of a nationwide class of individuals who purchased iTunes gift cards. Plaintiffs seek recovery from Apple under theories of breach of contract, and for violation of the various consumer protection statutes enacted by each and every state in the country.
2. Apple was served with Plaintiffs’ Complaint on July 6, 2009, and thus its responsive pleading is due to be filed on July 27, 2009.
3. Apple seeks an extension of time up to, and including, August 26, 2009 to file its answer, or otherwise respond to, Plaintiffs’ Class Action Complaint so that it has adequate time to investigate the allegations made therein, and can then draft and file an appropriate responsive pleading.

4. On July 14, 2009, the undersigned counsel contacted counsel for Plaintiffs to seek consent to the requested extension of time. Counsel for Plaintiffs indicated that they will not consent to the requested extension.

FOR RELIEF Defendant Apple, Inc. respectfully requests that this Court enter an Order granting it an additional 30 days, up to and including August 26, 2009, to answer, or otherwise respond to, Plaintiffs' Class Action Complaint.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 14th day of July, 2009, Defendant Apple, Inc.'s Motion for Extension of Time to File Responsive Pleading was filed electronically with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsel of record.

/s/ Kathy A. Wisniewski