

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

STELOR PRODUCTIONS, LLC. , )  
)  
Plaintiff/Counter-Defendant, )  
) Case Number: 1:05-CV-0354-DFH-TAB  
v. )  
)  
OOGLES N GOOGLES )  
FRANCHISING, LLC, *et. al.*, )  
)  
Defendants/Counter-Plaintiffs )  
and Third Party Plaintiff )  
)  
\*\*\*\*\* )  
OOGLES N GOOGLES )  
FRANCHISING, LLC, and )  
OOGLES N GOOGLES )  
BRANDING, LLC )  
)  
v. )  
)  
STELOR PRODUCTIONS, LLC., )  
)  
Counter-Defendant, and )  
)  
STEVEN A. ESRIG, )  
)  
Third Party Defendant, )

**DEFENDANTS' MOTION TO EXTEND TIME TO RESPOND TO MOTION TO  
AMEND THE CASE MANAGEMENT SCHEDULE**

Defendants, by counsel, for their Motion to Extend Time to Respond to Motion to Amend the Case Management Schedule state as follows:

1. At the telephonic status conference held on September 24, 2008, the undersigned stated to the Court that although he had not yet received a complete set of Stelor's responses to Defendants' first written discovery served March 14, 2008, he

anticipated filing a Motion to Compel with respect to discoverable documents which Stelor is refusing to produce. Opposing counsel Robert Merz stated at that time he would be filing a Motion to withdraw his appearance and a Motion to continue the trial and amend the Case Management Plan. The Court directed the undersigned to request a hearing with the Court and to not file a Motion to Compel if the parties were unable to resolve their differences after a L.R. 37.1 conference, at which time the Court would likely rule on the spot as to Stelor's objections.

2. At the undersigned's request, the Court scheduled a discovery dispute hearing for October 23, 2008. (Doc. 270).

3. Stelor moved to continue the hearing (Doc. 271) on October 17, 2008, and thereafter filed a Motion to Amend the Case Management Plan (Doc. 274) on October 21, 2008 and a Motion for Protective Order (Doc. 276) on October 27, 2008.

4. The deadline for the Defendants' Response to the Motion for Protective Order falls after the discovery dispute hearing scheduled for November 17, 2008. However, the undersigned intends to file a response to the Motion for Protective Order on or before Thursday, November 13, 2008. Stelor raises some of the same issues in the Motion to Amend the Case Management Plan that it raises in the Motion for Protective Order.

5. The deadline for responding to the Motion to Amend the Case Management Plan is today, November 10, 2008. Due to the press of other business and the time spent on Defendants' Response to the Motion for Protective Order, the undersigned has not yet completed the Response to Stelor's Motion to Amend the Case Management Plan.

6. The undersigned therefore respectfully requests an additional three (3) days to November 13, 2008 respond to the Motion to Amend the Case Management Plan.

7. The undersigned has conferred with the counsel for Stelor. Counsel for Stelor states that he does not object to an extension of time until Wednesday, November 12, 2008 but objects to an extension to Thursday, November 13, 2008. The undersigned does not believe that he will be able to complete the response to either Motion before Thursday, November 13, 2008.

Wherefore, Defendants move that the time for Defendants to respond to the Motion to Amend the Case Management Schedule be extended to November 13, 2008.

Respectfully submitted by:

/s/ Stephen L. Vaughan  
Stephen L. Vaughan, #2294-49  
INDIANO VAUGHAN LLP  
One N. Pennsylvania Street, Suite 1300  
Indianapolis, IN 46204  
Telephone: (317) 822-0033  
Fax: (317) 822-0055  
E-mail: [Steve@IPLawIndiana.com](mailto:Steve@IPLawIndiana.com)

## **CERTIFICATE OF SERVICE**

I hereby certify that on November 10, 2008, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Stephen L. Vaughan  
Stephen L. Vaughan, #2294-49  
INDIANO VAUGHAN LLP  
One N. Pennsylvania Street, Suite 850  
Indianapolis, IN 46204  
E-mail: Steve@IPLawIndiana.com