

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

BIG HAT BOOKS, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	No. 1:08-cv-0596 SEB-TAB
	)	
PROSECUTORS, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**Plaintiffs' Third Motion to Extend Time to Petition for Attorneys' Fees Pursuant to 42 U.S.C. § 1988**

Come now plaintiffs, by counsel, and say that:

1. On July 1, 2008, this Court entered judgment for plaintiffs in this cause.
2. Pursuant to the prior Order of this Court the time within which the plaintiffs must petition for attorneys' fees pursuant to 42 U.S.C. § 1988 has been extended to, and including, September 29, 2008.
3. Plaintiffs have made an offer to the defendants concerning their fees and the defendants are considering it but have not yet reached a decision on this matter.
4. Additional time is therefore necessary so that the parties can determine whether the fee claim can be settled without the need for a petition and intervention of this Court.
5. Accordingly, plaintiffs request that the time within which they must file their petition for attorneys' fees and costs be extended for an additional thirty (30) days to, and including, October 29, 2008.
6. Kenneth Falk has communicated with defendant's counsel, David Arthur, who has no objection to a thirty (30) day extension of time.

WHEREFORE, plaintiffs request that the time within which they must file their petition for attorney's fees and costs be extended for an additional thirty (30) days, to, and including, October 29, 2008, and for all other proper relief.

/s/ Kenneth J. Falk

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**Certificate of Service**

I hereby certify that on this 24th day of September, 2008, a copy of the foregoing was filed electronically with the Clerk of this Court. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system and the parties may access this filing through the Court's system.

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