

**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' Fourth 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, October 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, November 28, 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, November 28, 2008, and for all other proper relief.

/s/ Kenneth J. Falk

Kenneth J. Falk
No. 6777-49
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059 ext. 229
fax: 317/635-4105
kfalk@aclu-in.org

Attorney for Big Hat Books, Boxcar
Books and Community Center, Inc.;
American Civil Liberties Union of
Indiana Foundation

/s/ Jon B. Laramore

Jon B. Laramore
No. 17166-49

/s/ Matthew T. Albaugh

No. 23293-49
Baker & Daniels LLP
300 N. Meridian St., Suite 2700
Indianapolis, IN 46204
317/237-0300
fax: 317/237-1000
jon.laramore@bakerd.com
matthew.albaugh@bakerd.com

Attorneys for Indianapolis
Museum of Art, Indianapolis
Downtown Artists and
Dealers Association

/s/ Michael A. Bamberger

Michael A. Bamberger
Admitted Pro Hac Vice
Sonnenschein Nath & Rosenthal LLP
1221 Avenue of the Americas
New York, NY 10020
212/768-6756
fax: 212/768-6800
mbamberger@sonnenschein.com

Attorney for American Booksellers
Foundation for Free Expression,
Association of American Publishers,
Freedom to Read Foundation,
Entertainment Merchants Association,
National Association of Recording
Merchandisers, and Great Lakes
Booksellers Association

Certificate of Service

I hereby certify that on this 24th day of October, 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.

David A. Arthur
Deputy Attorney General
david.arthur@atg.in.gov

Eric James Beaver
Deputy Attorney General
eric.beaver@atg.in.gov

/s/ Kenneth J. Falk
Kenneth J. Falk
Attorney at Law