

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

SPRINT COMMUNICATIONS COMPANY L.P.,	)	
	)	
Plaintiff,	)	
	)	Case No. 05-2433-JWL
v.	)	
THE GLOBE.COM, INC., ET AL	)	
	)	
Defendants.	)	
	)	

**VONAGE AMERICA, INC. AND VONAGE HOLDINGS CORP.'S MOTION TO  
AMEND SCHEDULING ORDER**

Vonage America, Inc. and Vonage Holdings Corp. (collectively, “Defendants”) respectfully request that this Court amend its Scheduling Order of January 18, 2006, as modified by its Orders of January 26, 2007 and April 3, 2007, to extend certain dates for completing discovery in view of Sprint’s significant outstanding discovery obligations.

Specifically, Defendants propose to extend certain dates as follows:

<b><u>Event</u></b>	<b><u>Current Deadline</u></b>	<b><u>Proposed Extended Deadline</u></b>
All discovery completed	3/30/2007	10/01/07
Supplementation of expert disclosures	40 days before discovery deadline	
All dispositive motions (e.g., summary judgment)	5/15/2007	11/15/2007
Final pretrial conference	5/9/2007	11/9/2007
Proposed pretrial order due	5/7/2007	11/7/2007
Jury trial date	9/7/2007	3/7/2008

Defendants submit that the above-identified extensions of time are reasonable and necessary to allow the resolution of significant issues relating to outstanding discovery requests,

including, but not limited to: Sprint's obligations to conduct searches for potentially responsive documents using agreed upon search terms as ordered by the Court on April 3, 2007 (see D.I. No. 154); the completion of depositions noticed by Defendants pursuant to Fed. R. Civ. P. 30(b)(6) and inappropriately avoided by Sprint; the completion of over 36 depositions which have been noticed by the parties and have yet to be scheduled; completion of production pursuant to outstanding subpoenas that have been served on non-parties; and the resolution of outstanding discovery disputes, among other reasons.

Pursuant to District of Kansas Rule 6.1(a), the parties have conferred on this issue before Magistrate Judge David J. Waxse and Sprint has indicated it intends to oppose this motion.

Defendants makes this motion without purpose or intent to delay and these proposed extensions will work no prejudice on any party. To the contrary, for these deadlines not be extended would allow Sprint to escape significant discovery obligations and thereby prejudice Defendants.

For these reasons and others, and as discussed in more detail in the memorandum submitted herewith, Defendants respectfully request that the Court enter an Order amending the Scheduling Order of January 18, 2006, as modified by its Orders of January 26, 2007 and April 3, 2007, to provide for the above-requested extensions of discovery deadlines and related dates.

Given the immediacy of the issues addressed herein, Defendants respectfully further request oral argument on, and the Court's expedited consideration of, this motion. Defendants are prepared to submit a proposed form of order upon the Court's request.

Respectfully submitted this 4<sup>th</sup> day of April, 2006,

/s/ Patrick J. Kaine

Don R. Lolli KS Dist. #70236  
Patrick J. Kaine KS #15594  
Dysart Taylor Lay Cotter & McMonigle P.C.  
4420 Madison Avenue  
Kansas City, Missouri 64111  
816-931-2700  
pkaine@DysartTaylor.com  
dlolli@DysartTaylor.com

Patrick D. McPherson  
Barry Golob  
Donald R. McPhail  
Duane Morris LLP  
1667 K Street N.W.  
Washington, DC 20006-1608  
202-776-7800  
pdmcpherson@duanemorris.com  
bgolob@duanemorris.com  
drmcphail@duanemorris.com

*Attorneys for Defendants/Counterclaim  
Plaintiffs Vonage America, Inc. and Vonage  
Holdings Corp.*



**CERTIFICATE OF SERVICE**

I hereby certify on this 4<sup>th</sup> day of April, 2007, that a true copy of Vonage America, Inc. and Vonage Holdings Corp.'s Motion to Amend the Scheduling Order and supporting papers was filed electronically, with a notice of case activity to be generated and sent electronically by the Clerk of Court to:

B. Trent Webb  
Adam P. Seitz  
Erick A. Buresh  
SHOOK, HARDY & BACON LLP  
2555 Grand Boulevard  
Kansas City, MO 64108-2613  
Fax: (816) 421-5547

**ATTORNEYS FOR PLAINTIFF**

/s/ Donald R. McPhail  
Donald R. McPhail