

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA

PUBLIC CITIZEN, INC., et al.,

Plaintiffs,

VERSUS

LOUISIANA ATTORNEY
DISCIPLINARY BOARD, et al.,

Defendants.

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* CIVIL ACTION NO. 08-4451
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* SECTION "F"
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* JUDGE FELDMAN
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* MAGISTRATE WILKINSON
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**JOINT MOTION TO RESERVE RULING
ON MOTION FOR PRELIMINARY INJUNCTION AND
TO EXTEND TIME WITHIN WHICH DEFENDANTS MUST ANSWER,
WITH INCORPORATED MEMORANDUM**

Plaintiffs and Defendants, through their respective undersigned counsel, jointly move the Court to reserve ruling on Plaintiffs' pending motion for preliminary injunction and to extend the time within which Defendants must respond to the complaint, for the reasons set forth herein.

Plaintiffs filed a complaint for declaratory and injunctive relief against the Louisiana Attorney Disciplinary Board and the Board's Chair and Chief Disciplinary Counsel,

challenging certain provisions of Louisiana's newly-revised Rules of Professional Conduct regarding lawyer advertising. Plaintiffs also requested a preliminary injunction to prohibit enforcement of the challenged rules. That motion is currently set for hearing on November 19, 2008.

As adopted by the Louisiana Supreme Court on July 3, 2008, the new lawyer advertising rules were to become effective on December 1, 2008. However, on October 31, 2008, the Louisiana Supreme Court issued a press release, announcing that the new rules will become effective on April 1, 2009. Given that there now is no imminent threat of enforcement of the new rules, the parties have conferred and agree that there is no need for the Court to hear Plaintiffs' motion for preliminary injunction at this time. The parties therefore request that the Court reserve ruling on the motion for preliminary injunction and abate further filings on that motion. Plaintiffs reserve the right to renew their motion if necessary.

In lieu of seeking a decision on the preliminary injunction, the parties have agreed to prepare a stipulated schedule for discovery in order to move this matter to prompt resolution on its merits. The parties respectfully request a status conference with the Court to set an expedited schedule for dispositive motions and trial.

Defendants previously requested and were granted until November 4, 2008 to respond to plaintiffs' complaint. The parties further request, given the delay in implementation of the new rules, a further extension of the time within which Defendants must respond, for an additional thirty (30) days or until December 4, 2008. This additional extension will not

prejudice any of the parties, nor will it delay unduly the proceedings. Based on the foregoing, and particularly the delay in implementation of the challenged rules, the parties submit that good cause exists pursuant to Local Rule 7.9 for the granting of additional time to respond.

WHEREFORE, Plaintiffs and Defendants respectfully move this Court (1) to reserve ruling on Plaintiffs' pending motion for preliminary injunction and to abate further filings on that motion, (2) to set a status conference, and (3) for an extension of time through December 4, 2008, for Defendants to respond to Plaintiffs' complaint.

Dated: November 4, 2008

Respectfully submitted,

/s/ Dane S. Ciolino

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C E R T I F I C A T E

I hereby certify that on this 4th day of November, 2008, a copy of the foregoing Joint Motion to Reserve Ruling on Motion for Preliminary Injunction and to Extend Time Within Which Defendants Must Answer, with Incorporated Memorandum has been served upon each counsel of record by notice of electronic filing generated through the CM/ECF system, and/or by United States mail, facsimile, or e-mail for those counsel who are not participants in the CM/ECF system.

/s/ Kathryn M. Knight