

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DMITRIY SHIROKOV, on behalf of himself
and all others similarly situated,
Plaintiff

v.

CIVIL ACTION NO. 1:10-CV-12043-GAO

DUNLAP, GRUBB & WEAVER, PLLC; US
COPYRIGHT GROUP; THOMAS DUNLAP;
NICHOLAS KURTZ; GUARDALEY,
LIMITED; and ACHTE/NEUNTE Boll Kino
Beteiligungs Gmbh & Co KG,
Defendants.

**ASSENTED-TO MOTION OF THE DEFENDANT, ACHTE/NEUNTE
Boll Kino Beteiligungs Gmbh & Co KG, TO EXTEND THE TIME NUNC PRO TUNC
TO RESPOND TO PLAINTIFF'S COMPLAINT TO MAY 23, 2011.**

Pursuant to all applicable rules of civil procedure and the inherent authority of the Court to regulate matters before it, and with the agreement of the plaintiff, the defendant, ACHTE/NEUNTE Boll Kino Beteiligungs Gmbh & Co KG, moves for an order extending the deadline by which the defendant must move, plead, or otherwise respond to the Second Amended Complaint to and including May 23, 2011. In support of this Motion, the defendant states as follows:

1. The defendant originally filed an assented to motion for an extension through May 18, 2011; which was granted by this court.
2. As a result of unanticipated conflicts certain delays occurred necessitating a request for additional time to file defendant's motion to dismiss.
3. On May 17, 2011, Kevin C. Cain, contacted plaintiff's counsel, Jason E. Sweet, to seek a further short extension from Wednesday, May 18, 2011 to Monday, May 23, 2011.

4. Attorney Sweet graciously granted that extension indicating that his calendar already reflected that date as the due date.

5. Below signed defense counsel, Kevin C. Cain, inadvertently failed to file a further assented to motion to extend time to respond.

6. No delay will be caused by the grant of this motion as the plaintiff has already filed its opposition to defendant's motion to dismiss.

7. Plaintiff's counsel has assented to the requested enlargement nunc pro tunc to clarify the record and reflect the parties previous oral agreement.

For all the foregoing reasons, the defendant requests that this Motion be granted and that the deadline by which the defendant must move, plead, or otherwise respond to the Complaint be enlarged nunc pro tunc through May 23, 2011.

ASSENTED TO:

/s/ Jason E. Sweet
Daniel G. Booth
BBO # 672090
Jason E. Sweet
BBO # 668596
BOOTH SWEET LLP
32R Essex Street, Suite 1
Cambridge, MA 02139
(617) 250-8602

ACHTE/NEUNTE Boll Kino Beteiligungs
GmbH & Co KG

By its Attorneys,

/s/ Kevin C. Cain
Kevin C. Cain
BBO # 550055
Harvey Weiner
BBO # 519840
PEABODY & ARNOLD LLP
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210-2261
(617) 951-2100

Dated: June 7, 2011

CERTIFICATE OF SERVICE

I, Kevin C. Cain, hereby certify that on this 7th day of June, 2011, I served the within Assented-To Motion of the Defendant, ACHTE/NEUNTE Boll Kino Beteiligungs Gmbh & Co KG, to Extend the Time to Respond to Plaintiff's Complaint by causing a copy thereof to be sent electronically to the registered participants in this case, as identified on the Notice of Electronic Filing.

/s/ Kevin C. Cain

Dated: June 7, 2011

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