

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
STEPHANIE HOFER and)	
DOUGLAS HOFER,)	Civil Action Docket No. 05-40170 FDS
)	
Plaintiffs,)	
)	
v.)	
)	
THE GAP, INC., EXPEDIA, INC.)	
and TURTLE BEACH TOWERS,)	
)	
Defendants.)	
)	
_____)	

**DEFENDANT EXPEDIA, INC.’S EMERGENCY MOTION
FOR EXTENSION OF TIME TO FILE REPLY MEMORANDUM
IN RESPONSE TO PLAINTIFFS’ OPPOSITION TO DEFENDANT EXPEDIA, INC.’S
MOTION FOR SUMMARY JUDGMENT AND
MOTION FOR LEAVE TO FILE REPLY MEMORANDUM OF NO MORE THAN
TWENTY PAGES IN LENGTH**

The defendant Expedia, Inc. (“Expedia”), by and through its undersigned counsel, hereby moves this Honorable Court to permit it to file a reply memorandum, of no more than twenty (20) pages in length, in response to Plaintiffs’ Opposition to Defendant Expedia, Inc.’s Motion for Summary Judgment, on or before April 27, 2007. As grounds for this motion, Expedia states as follows:

1. After 6:00 p.m. on Friday, April 13, 2007, Expedia received ECF email notification of the filing of papers associated with Plaintiffs’ Opposition to Expedia’s Motion for Summary Judgment. Additional exhibits filed by the plaintiff, including a videotape of a deposition and an exhibit filed under seal, were received and filed by the Court on April 17, 2007.

2. The Plaintiffs' Opposition to Expedia, Inc.'s Motion for Summary Judgment is thirty-two (32) pages in length. Expedia has no *per se* objection to the length of the plaintiffs' opposition memorandum.
3. Under this Court's Scheduling Order procedural provisions, Expedia is entitled to serve a twelve (12) page reply memorandum within seven days of service of the opposition papers, excluding intervening Saturdays, Sundays and legal holidays. Assuming that plaintiffs' opposition papers were timely filed on April 13, 2007, Expedia's reply memorandum would be due April 24, 2007, since the April 16, 2007 Patriots' Day holiday is not a federal holiday.
4. Given the length of plaintiffs' opposition memorandum, in addition to the fact that the office of Expedia's counsel was, in fact, closed on the Patriots' Day state holiday, Expedia requests an additional three days, to Friday, April 27, 2007, to file its reply memorandum and any exhibits and/or associated papers thereto.
5. In addition, based upon the arguments presented in plaintiffs' opposition, counsel for Expedia requests an additional eight (8) pages for its reply in order to adequately address the numerous arguments made therein.

WHEREFORE, the defendant Expedia, Inc. respectfully requests that this Honorable Court grant it leave to file a reply memorandum in response to Plaintiffs' Opposition to Expedia, Inc.'s Motion for Summary Judgment, of no more than twenty (20) pages in length, on or before April 27, 2007.

Respectfully submitted,
By the defendant
EXPEDIA, INC.,
By its attorneys,

/s/ Rodney E. Gould

Rodney E. Gould (BBO # 205420)
Email: rgould@rhglaw.com
Robert C. Mueller (BBO#567599)
Email: rmueller@rhglaw.com
RUBIN, HAY & GOULD, P.C.
205 Newbury Street
P.O. Box 786
Framingham, MA 01701-0202
Tel: (508) 875-5222
Fax: (508) 879-6803

DATED: April 17, 2007

L.R. 7.1(A)(2) CERTIFICATION

I, Robert C. Mueller, hereby certify that on the morning of April 17, 2007, I sent a letter to counsel for the plaintiffs, by facsimile transmission, requesting plaintiffs' assent to the requests for relief presented in the foregoing motion and requesting a response by the afternoon of April 17, 2007 due to the time-sensitive nature of the motion. As of the filing of this motion, counsel for Expedia has not received any communication from the plaintiffs' counsel with regard to plaintiffs' assent or non-assent to same.

/s/ Robert C. Mueller

Robert C. Mueller

CERTIFICATE OF SERVICE

I, Rodney E. Gould, hereby certify that this document, filed through the ECF system, will be served electronically upon the registered participants identified on the Notice of Electronic Filing (NEF) and will be served upon any non-registered participants, as indicated on the NEF, by paper copy sent via first-class mail, postage prepaid.

DATED: April 17, 2007

/s/ Rodney E. Gould

Rodney E. Gould