

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
STEPHANIE HOFER and)	C.A. No. 05-CV-40170-FDS
DOUGLAS HOFER,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
THE GAP, INC., EXPEDIA, INC.)	
and TURTLE BEACH TOWERS,)	
)	
Defendants.)	
_____)	

**DEFENDANT EXPEDIA, INC.'S EMERGENCY MOTION TO CONTINUE
THE FINAL PRETRIAL CONFERENCE**

The defendant Expedia, Inc. ("Expedia"), by and through its counsel and with the assent of the co-defendant The Gap, Inc. ("The GAP"),¹ hereby moves this Honorable Court for an Order continuing the Final Pretrial Conference.

As grounds therefore, Expedia states as follows:

1. The Final Pretrial Conference in this matter is presently scheduled for June 21, 2007.
2. Presently before the Court are separate motions for summary judgment filed by the GAP and Expedia. The GAP's motion for summary judgment was filed on February 15, 2007, Expedia's motion for summary judgment was filed on February 16, 2007. Due to a

¹ Plaintiffs' counsel have not assented to this motion.

lengthy period of time given to the plaintiffs to respond to Expedia's summary judgment motion, Expedia's motion was not fully briefed until April 27, 2007.

3. Under Local Rule 16.5, the parties are required in the very near future to meet and confer in advance of the pretrial conference to prepare a pretrial memorandum.
4. The defendants request that the Court continue the pretrial conference to a suitable date after a decision on the pending summary judgment motions so that the parties may save significant time and expense preparing the pretrial memorandum, which may be rendered moot depending upon the decisions rendered by the Court on summary judgment.
5. Additionally, Rodney E. Gould, lead trial counsel for Expedia, has a conflict with the June 21, 2007 Pretrial Conference date insofar as he is scheduled to attend an arbitration before the American Arbitration Association in the matter of *Psyche Systems Corporation v. Marvin I. Retsky, M.D. d/b/a TMI Pathology Associates, Inc.*, said arbitration taking place June 19 through June 22, 2007, in Los Angeles, California. Said arbitration was scheduled by the parties on November 6, 2006, prior to this Court's December 18, 2006 Order

establishing the June 21, 2007 Pretrial Conference date.

WHEREFORE, the defendant Expedia, Inc. respectfully requests that this Honorable Court continue the Final Pretrial Conference from its presently-scheduled date of June 21, 2007 to a date subsequent to a decision on the pending motions for summary judgment, or such other date as determined by the Court.

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

/s/ Rodney E. Gould

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DATED: May 11, 2007

ASSENTED TO:

By the Defendant
The GAP, Inc.

/s/ Scott D. Feringa

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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 non-registered participants, as indicated on the NEF, by paper copy sent via first-class mail, postage prepaid.

DATED: May 11, 2007

/s/ Rodney E. Gould

Rodney E. Gould