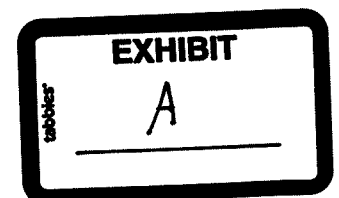


**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

BRIDGEPORT MUSIC INC.)	
)	
Plaintiff,)	No. 3:05-0377
)	
v.)	Judge Campbell
)	Magistrate Judge Brown
ROBERT HILL MUSIC, et al.)	JURY DEMAND
)	
)	
Defendants.)	

MOTION TO CONTINUE TRIAL

Defendant Robert Hill Music (“Defendant”) requests that the Court continue the trial in this matter, currently scheduled for May 13, 2008 (Docket Entry No. 304), to the earliest available date after August 31, 2008. As grounds for this Motion, Defendant submits that Robert Hill a/k/a Robert Smith, former principal for Robert Hill Music, is currently scheduled to be released from the federal prison in Ohio in August 2008. (Declaration of Chris Vlahos (“Vlahos Decl.”), ¶ 3). Mr. Hill, who controlled and operated Robert Hill Music until his incarceration in 1997, is the representative of Robert Hill Music with the most knowledge of the facts in dispute in this cause. (*Id.* at ¶ 4). Defendant submits that it would be unduly prejudicial to Robert Hill Music for Mr. Hill not to be able to offer live testimony during the trial and requests a continuance until the earliest date after August 31, 2008 in order for Mr. Hill to be able to hear live testimony, testify and otherwise participate in the trial of this matter.



As additional grounds for a continuance, Defendant submits that its lead counsel, Tim Warnock, recently joined this case as a result of the retirement of Jay Bowen, whom Robert Hill Music had anticipated participating in the trial in this cause. (Id. at ¶ 5). Mr. Warnock has a long-standing and prepaid vacation starting May 15, 2008 that precludes his participating in the current trial setting. (Id. at ¶ 6). Defendant has conferred with counsel for the Universal Defendants regarding Defendant's Motion to Continue, and the Universal Defendants do not oppose this Motion.¹

Defendant has also conferred with counsel for Plaintiff regarding Defendant's Motion to Continue. Counsel for Plaintiff does not oppose an extension on account of Mr. Warnock's current unavailability but requests that any resetting of the trial resulting from Defendant's instant motion occur in mid-July through early August 2008 on account of prior pending trials for counsel for Plaintiff in June 2008. Plaintiff does oppose an extension beyond August 31, 2008 on account of trials scheduled in other matters in September and October 2008.

A proposed order is submitted herewith.

¹ Counsel for the Universal Defendants requests that any trial reset after August 31, 2008 not be set in conflict with Rosh Hashanah (September 29-30, 2008) and/or Yom Kippur (October 8-9, 2008).

Respectfully submitted,

s/ Chris Vlahos

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was made upon the following Filing Users through the Electronic Filing System:

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This the 22nd day of January, 2008.

s/ Chris Vlahos