

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

CAPITOL RECORDS, INC., a Delaware corporation; SONY BMG MUSIC ENTERTAINMENT, a Delaware general partnership; ARISTA RECORDS LLC, a Delaware limited liability company; INTERSCOPE RECORDS, a California general partnership; WARNER BROS. RECORDS INC., a Delaware corporation; and UMG RECORDINGS, INC., a Delaware corporation,

Plaintiffs,

vs.

Jammie Thomas,

Defendant.

Case No.: 0-06-cv-1497- MJD-RLE

JUDGE: Michael J. Davis

MAGISTRATE: Raymond L. Ericksen

**PLAINTIFFS' UNOPPOSED MOTION  
FOR EXTENSION OF TIME TO FILE  
RESPONSE TO DEFENDANT'S  
MOTION FOR NEW TRIAL, OR IN  
THE ALTERNATIVE, FOR  
REMITTITUR**

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Plaintiffs respectfully move this Court for a 10-day extension of time, up to and including November 8, 2007, to file a response to Defendant's Motion for New Trial, or in the Alternative, for Remittitur (Doc No. 109). Plaintiffs have conferred with counsel for Defendant, and Defendant's counsel advised that Defendant does not object to the granting of this motion. As grounds for this motion, Plaintiffs state as follows:

1. On October 15, 2006, Defendant filed and served a Motion for New Trial, or in the Alternative, for Remittitur. ("Defendant's Motion," Doc. No. 109.)
2. Pursuant to Fed. R. Civ. P. 59(c), Plaintiffs have 10 days after service of Defendant's Motion to respond. Under Fed. R. Civ. P. 6(a), the deadline for Plaintiffs to file a response to Defendant's Motion is October 29, 2007.
3. Rule 59(c) permits the Court to extend the period for Plaintiffs to respond to Defendant's Motion for up to 20 days upon a showing of good cause.

4. During the past week, each of Plaintiffs' lead counsel in this case, Richard Gabriel, Timothy Reynolds, and Andrew Mohraz, has been required to travel to attend depositions and hearings in cases in New York and Texas. As such, Plaintiffs require a brief extension of time to prepare and file their response to Defendant's Motion.

5. In addition, Plaintiffs note that, on October 19, 2007, the United States of America filed an Acknowledgment of Challenge to the Constitutionality of an Act of Congress and Motion for Time to Determine if Intervention is Appropriate. (Doc. No. 114.) The Court issued an Order on October 23, 2007, granting the United States' Motion and allowing the United States up to and including December 3, 2007 to petition the Court for leave to intervene in this action and to file a brief regarding Defendant's Motion. (Doc. No. 118.) In light of the Court's October 23, 2007 Order, the requested 10-day extension by Plaintiffs will not affect any other deadlines in this case.

6. Plaintiffs have not sought any prior extensions of time to file their response to Defendant's Motion, and, for the reasons set forth above, no party would be prejudiced were this Court to grant the requested extension of time.

WHEREFORE, Plaintiffs respectfully request that this Court extend the deadline for Plaintiffs to file a response to Defendant's Motion (Doc No. 109) up to and including November 8, 2007.

A proposed form of order is provided for the Court.

Respectfully submitted this 25th day of October 2007.

s/ Leita Walker

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