

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

CAPITOL RECORDS, INC., et al.,

Plaintiffs,

vs.

Jammie Thomas,

Defendant.

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

JUDGE: Michael J. Davis

MAGISTRATE: Raymond L. Erickson

**UNOPPOSED MOTION TO
EXTEND BRIEFING DEADLINES**

On May 20, 2008, the Court entered an Order directing the parties to file briefs regarding whether the Court committed a manifest error of law in instructing the jury that “making copyrighted sound recordings available for electronic distribution on a peer-to-peer network, without license from the copyright owners, violates the copyright owners’ exclusive right of distribution, regardless of whether actual distribution has been shown.” (Doc. No. 142.) The Court directed the parties to file opening briefs by June 23, 2008 and reply briefs by June 30, 2008, and set oral argument on the issue for August 4, 2008 at 10:00 a.m. (*Id.*)

The Court also entered an Order permitting any interested party to file an amicus brief regarding the same issue. (Doc. No. 143.) The Court directed interested parties to file any motion requesting permission to file an amicus brief and an accompanying amicus brief by June 13, 2008, at noon. (*Id.*) The Court further directed that the parties’ opposition to any motion to file an amicus brief be filed by June 17, 2008, at noon. (*Id.*)

Plaintiffs respectfully request that the briefing schedule be extended to accommodate two upcoming holidays. First, Plaintiffs have been in contact with an amicus that would like to file a motion and amicus brief on the issue raised in the Court’s May 20, 2008 Order, but is unable to do so due to the upcoming Jewish holiday of Shavuot from June 8-10, 2008. So that all

interested parties may be heard, Plaintiffs ask that the briefing schedule set forth in the Court's May 20, 2008 Orders be extended by 7 days. In addition, because extending the deadline for the parties' reply briefs by 7 days from June 30 to July 7 would interfere with the July 4th holiday weekend, Plaintiffs ask that this deadline be extended by 11 days, to July 11, 2008.

For these reasons, Plaintiffs respectfully submit that good cause exists for seven day extensions for (1) the parties' opening briefs, (2) any motion requesting permission to file an amicus brief and filing of any amicus brief, and (3) the parties' opposition to any motion to file an amicus brief; and for an eleven day extension for the parties' reply briefs.

The parties previously sought an extension of the briefing schedule on May 19, 2008 (Doc. No. 140), which the Court granted on May 20, 2008 (Doc. No. 142). No party would be prejudiced were this Court to grant the requested extensions, and Defendant is not opposed to the requested extensions. Furthermore, Plaintiffs do not believe that the extensions will affect any other deadlines in this case, including oral argument set on August 4, 2008.

WHEREFORE, Plaintiffs respectfully request the following extensions of the briefing schedule set out in the Court's Orders entered on May 20, 2008: (1) a seven day extension for parties to submit briefs on the requested issue (up to and including June 30, 2008, at 12:00 noon); (2) a seven day extension for interested parties to file any motion requesting permission to file an amicus brief and an accompanying amicus brief (up to and including June 20, 2008, at 12:00 noon); (3) a seven day extension for the parties' opposition to any motion to file an amicus brief (up to and including June 24, 2008, at 12:00 noon); and (4) an eleven day extension for the parties' reply briefs (up to and including July 11, 2008, at 12:00 noon).

A form of order is attached for the Court's convenience.

Respectfully submitted this 5th day of June 2008.

/s/ Timothy M. Reynolds

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