

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

VIRGIN RECORDS AMERICA, INC.,
a California corporation; 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.

Civ. No.: 06-cv-1497 MJD/RLE

**MEMORANDUM IN SUPPORT OF
STIPULATED MOTION TO AMEND
PRETRIAL SCHEDULING ORDER OR
IN THE ALTERNATIVE FOR A RULE
16 CONFERENCE**

Plaintiffs Virgin Records America, Inc., et al (collectively, “Plaintiffs”) and Defendant Jammie Thomas (“Defendant”), jointly submit this memorandum seeking to amend the Pretrial Schedule entered on July 26, 2006. The parties respectfully request that the Court extend the pretrial schedule as indicated below. Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.3, there is good cause for this motion, and a statement pursuant to Local Rule 16.3(b)(1)-(4) is made as follows:

1. Responding to Local Rule 16.3(b)(1), Defendant is still preparing her expert report, and both parties expect to notice depositions of the Defendant and the expert.
2. Responding to Local Rule 16.3(b)(2), the parties have been diligently pursuing discovery in this action. The parties have completed all written discovery. The

discovery outstanding is limited: Plaintiffs have issued a document subpoena to the internet service provider and is awaiting production of the requested documents.

3. Responding to Local Rule 16.3(b)(3), it will be difficult to complete discovery prior to the March 1, 2007 discovery deadline. The schedules of the parties have presented various conflicts that have not permitted the parties to conduct the necessary depositions and gather the corresponding documents despite their mutual best efforts.

4. Responding to Local Rule 16.3(b)(4), the parties' proposed amended schedule provides for an additional two months to permit the parties to complete depositions and discovery related thereto. The parties seek a corresponding extension of time for filing the non-dispositive and dispositive motions to accommodate the requested extension on the close of the discovery period. Therefore, the parties respectfully request that the dates in the Pretrial Scheduling Order be amended as follows:

	Current deadline	Amended deadline
Close of Discovery Period	March 1, 2007	May 1, 2007
Non-dispositive motions	April 1, 2007	June 1, 2007
Dispositive motions	May 1, 2007	July 1, 2007
Trial ready	July 1, 2007	August 1, 2007

A proposed order reflecting the foregoing changes is attached.

For all the foregoing reasons, the parties respectfully request that the Court amend the Pretrial Schedule as proposed above and in the accompanying proposed Order.

In the alternative, the parties request a conference with the court to determine the most appropriate method of resolving the parties' discovery concerns pursuant to Fed. R. Civ. P. 16. The parties are prepared to discuss such matters at the Court's convenience.

Date: February 28, 2007

Respectfully submitted,

/s/ Laura G. Coates

Felicia J. Boyd (No. 186168)
Laura G. Coates (No. 350175)
FAEGRE & BENSON LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, Minnesota 55402-3901
Telephone: (612) 766-7000
Facsimile: (612) 766-1600

OF COUNSEL

David A. Tonini (*pro hac vice*)
HOLME ROBERTS & OWEN LLP
1700 Lincoln, Suite 4100
Denver, Colorado 80203
Telephone: (303) 866-0399
Facsimile: (303) 866-0200

ATTORNEYS FOR PLAINTIFFS

/s/ Brian Toder

Brian Toder
CHESTNUT & CAMBRONNE, P.A.
3700 Campbell Mithun Tower
222 South 9th Street
Minneapolis, MN 55402
Telephone: (612) 339-7300
Facsimile: (612) 336-2940

ATTORNEY FOR DEFENDANT