

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI**

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|-------------------------------|---|-----------------------------|
| IHOP IP, LLC et al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | |
| vs. |) | |
| |) | Case No.: 4:11-cv-00548-NKL |
| INTERNATIONAL HOUSE OF PRAYER |) | |
| et al., |) | |
| |) | |
| Defendants. |) | |

UNOPPOSED MOTION TO EXTEND EXPERT DISCLOSURE DEADLINES

Pursuant to Federal Rule of Civil Procedure 6(b) and Local Rule 16.3, plaintiffs IHOP IP, LLC and International House of Pancakes, LLC (collectively "IHOP") move the Court for a sixty (60) day extension of time for the parties to designate expert witnesses (this extension would not affect any other deadlines). In support of its motion, IHOP states:

1. IHOP's expert witness designations are currently due on May 30, 2012 and defendants' expert witness designations are currently due on June 29, 2012.
2. IHOP respectfully requests a sixty-day extension of time of the expert witness designation deadlines and, accordingly, proposes the following amended Section C(2) of the Court's Scheduling Order [Doc. 31]:

Expert designations and depositions will be as follows:

- a. On or before July 30, 2012, Plaintiffs will designate any expert witness they intend to call at trial. This includes any person who may present evidence under Rules 702, 703 or 705 of the Federal Rules of Evidence.
- b. On or before August 29, 2012, Defendants will designate any expert witness they intend to call at trial. This includes any person who may present evidence under Rules 702, 703 or 705 of the Federal Rules of Evidence.
- c. On or before October 31, 2012, all depositions of expert witnesses will be completed. [This deadline is unchanged].

3. Counsel for IHOP has consulted with counsel for defendants, Keith Grady, and counsel for defendants has consented to the requested extension and proposed amendment to the Scheduling Order.

4. This extension is requested for good cause as the parties have been and are currently engaged in diligent, good faith settlement discussions. These discussions have taken the form of complex written settlement proposals, exchanged between the parties six times over the last three months, that address the respective rights and obligations of the parties in using trademarks to brand the goods and services offered by their international organizations in a number of ways, including in print, electronic, audio/visual, signage, advertising, and other promotional media. An additional sixty days will permit the parties to continue to focus on their negotiations for the next several weeks without having to simultaneously expend resources on expert witnesses and obtaining supporting evidence.

5. There has been no previous request for an extension of time with regard to the expert designation deadlines.

6. The proposed amendment to the expert designation schedule will not affect any other deadline set forth in the Court's Scheduling Order, including the October 31, 2012 deadline for completing all pretrial discovery and expert witness depositions.

7. This motion for extension of time is not made for any reason other than the foregoing reasons and is not made for vexation or delay but is made in good faith.

WHEREFORE, IHOP respectfully requests that the Court find good cause for extending the expert disclosure deadlines and enter an order granting the parties a sixty-day extension of time, up to and including July 30, 2012 for IHOP to designate its expert witnesses and up to and including August 29, 2012 for defendants to designate their expert witnesses.

Respectfully submitted,

/s/Elizabeth A. Tassi

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OF PANCAKES, LLC

CERTIFICATE OF SERVICE

I hereby certify that on February 27, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to the following:

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/s/Elizabeth A. Tassi

Attorney for Plaintiffs