

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:07-cv-00347-D

LULU ENTERPRISES, INC.,

Plaintiff,

vs.

N-F NEWSITE, LLC,

and

HULU TECH, INC.,

Defendants.

**JOINT MOTION TO MODIFY
COURT'S ORDER**

Plaintiff and Defendant N-F NewSite, LLC ("NewSite"), hereby jointly move the Court to modify its Order of September 12, 2007, in certain respects and adopt the following discovery and briefing schedule with respect to a hearing on Plaintiff's Motion for a Preliminary Injunction.

In support of this Motion, the parties state:

1. They have agreed to waive the hearing on Plaintiff's Motion for a Temporary Restraining Order, and will expeditiously conduct discovery and briefing on Plaintiff's Motion for a Preliminary Injunction as set forth below, subject to the Court's approval.

2. The parties respectfully request that the Court consider and adopt the following schedule with respect to Plaintiff's Motion for Preliminary Injunction:

- a. All discovery initiated by either party and necessary for determination of the Motion will be completed no later than October 5, 2007. All such discovery will be expedited and limited in scope. The parties will submit to the Court a plan

for such discovery no later than Tuesday, September 18, 2007.

- b. Each party will serve its primary brief in support of or in opposition to the Motion no later than October 9, 2007.
- c. Each party may serve a reply brief not to exceed ten (10) pages by October 11, 2007.
- d. Consistent with the disclosure of NewSite concerning the launch of its private beta site, the parties respectfully request that a hearing on the Motion occur as close to Tuesday, October 16, 2007 as permitted by the Court's schedule.

3. Defendant NewSite has filed contemporaneously and under seal with this Motion a statement disclosing its earliest launch date of the private beta site.

4. The parties further jointly request that the hearing on Plaintiff's Motion for a Temporary Restraining Order be cancelled, and that all other deadlines including the deadlines for filing certain submissions with respect to Plaintiff's Motion for Expedited Discovery and Motion for a Temporary Restraining Order, as set forth in the Court's Order of September 12, 2007, be vacated.

Respectfully submitted, this the 13th day of September, 2007.

/s/ Leslie C. O'Toole

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