IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF OHIO EASTERN DIVISION

REED, et al.,)
	JUDGE CHRISTOPHER A. BOYKO
Plaintiffs,)
) CASE NO. 1:08-CV-1761
VS.)
)
FREEBIRD FILM PRODUCTIONS, INC.,) UNOPPOSED MOTION OF
et al.,) DEFENDANT JUDY JENNESS FOR AN
) EXTENSION OF TIME TO ANSWER
Defendants.) OR OTHERWISE PLEAD
) **Expedited Consideration Requested**

Defendant Judy Jenness ("Jenness") hereby respectfully moves this Court for an extension of time to answer or otherwise respond to the Complaint filed in this case by Plaintiffs Craig Reed and Survivor Films, Inc. (collectively, "Plaintiffs") until such time as this Court has had an opportunity to rule on the parties' dispositive motions, which are scheduled to be filed by January 20, 2009. The current due date for Jenness's response to the Complaint is today, January 12, 2009.

The bases for this Motion are that Jenness has only recently obtained counsel (undersigned) for this matter and that this Motion is supported by good cause. Jenness's response raises certain jurisdictional issues, defenses, and objections that counsel has not had an

adequate opportunity to investigate. In light of this Court's December 17, 2008 Docket Entry ("the Docket Entry"),¹ raising such defenses at this stage could require the parties and the Court to expend resources unnecessarily. Furthermore, in light of the Docket Entry, an extension of time for Jenness to answer or otherwise plead would not unduly delay resolution of this case. In addition, Plaintiffs' counsel has consented to this Motion.

For the foregoing reasons, Jenness submits that this Motion should be granted.

Respectfully submitted,

DATED: January 12, 2009

/s/ Mark E. Avsec MARK E. AVSEC (0064472) mavsec@beneschlaw.com BRYAN A. SCHWARTZ (0078527) bschwartz@beneschlaw.com ANGELA R. GOTT (0082198) agott@beneschlaw.com BENESCH, FRIEDLANDER, COPLAN & ARONOFF LLP 200 Public Square, Suite 2300 Cleveland, Ohio 44114-2378 Telephone: (216) 363-4500 Facsimile: (216) 363-4588

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¹ On December 17, 2008 this Court made a Docket Entry ("the Docket Entry") in which the Court instructed that it was withdrawing Defendant Lynyrd Skynryd's answer and counterclaim, with right to re-file a motion for leave to amend if necessary after ruling on dispositive motions, and holding the parties' discovery dispute in abeyance until after ruling on dispositive motions.

CERTIFICATE OF SERVICE

I hereby certify that on January 12, 2009, a copy of the foregoing UNOPPOSED MOTION OF DEFENDANT JUDY JENNESS FOR AN EXTENSION OF TIME TO ANSWER OR OTHERWISE PLEAD was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties. Parties may access this filing through the Court's system.

> <u>/s/ Mark E. Avsec</u> MARK E. AVSEC (0064472)