

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

ACTUS, LLC,

Plaintiff,

v.

BANK OF AMERICA CORP., et al.

Defendants.

CIVIL ACTION NO. 2:09-cv-102-TJW

JURY TRIAL DEMANDED

UNOPPOSED MOTION FOR EXTENSION OF TIME

COMES NOW Plaintiff, Actus, LLC (“Actus”) and files this Unopposed Motion for Extension of Time to Respond to Defendant Enable Holdings, Inc.’s (“Enable”) Motion to Dismiss:

Enable filed its motion to dismiss on June 25, 2009. (Dkt. 114) Actus’ response is due on July 13, 2009. Actus respectfully requests forty-five (45) additional days to file its response up to and including August 27, 2009. This extension is not for purposes of delay but to allow adequate time to respond.

Counsel for Actus conferred with counsel for Enable and Enable does not oppose the relief requested herein.

Dated: July 8, 2009

Respectfully Submitted,

ACTUS, LLC

By: /s/ William E. "Bo" Davis, III

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**ATTORNEY FOR PLAINTIFF
ACTUS, LLC**

CERTIFICATE OF CONFERENCE

The undersigned certifies that he conferred with counsel for Enable and that Bank of America does not oppose the relief requested herein.

/s/ William E. "Bo" Davis, III
William E. "Bo" Davis, III

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic served were served with a true and correct copy of the foregoing by email, on this the 8th day of July, 2009.

/s/ William E. "Bo" Davis, III
William E. "Bo" Davis, III