

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

ACTUS, LLC	§	
	§	
Plaintiff,	§	
	§	CA No. 2:09-cv-102-TJW
v.	§	
	§	
BANK OF AMERICA CORP., ET AL.	§	
	§	
Defendants.	§	

**DEFENDANT WAL-MART STORES, INC.'S UNOPPOSED MOTION FOR  
EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT**

COMES NOW Defendant Wal-Mart Stores, Inc. ("Wal-Mart"), without waiving any defenses or any matters that might be presented pursuant to FEDERAL RULE OF CIVIL PROCEDURE 12(b) or any other rule or law, and files this unopposed motion for extension of time in which to answer Plaintiff Actus, LLC's First Amended Complaint and would respectfully show the Court as follows:

Wal-Mart has requested and Plaintiff has agreed to a 21-day extension of Wal-Mart's time to answer Plaintiff's First Amended Complaint in view of the Plaintiff's proposed impending motion to file a Second Amended Complaint which, if the Plaintiff were granted leave to file, would moot the need for Wal-Mart to file an answer to the First Amended Complaint. Specifically, Wal-Mart requests, and Plaintiff does not oppose, an extension of time up to and including August 28, 2009.

A proposed Order granting this unopposed motion is attached hereto.

Respectfully submitted,



Michael C. Smith  
State Bar No. 18650410  
Siebman, Reynolds, Burg, Phillips & Smith, LLP  
713 South Washington Avenue  
Marshall, Texas 75670  
Office: (903) 938-8900

(Fax): (972) 767-4620  
michaelsmith@siebman.com

COUNSEL FOR WAL-MART STORES, INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) this the 7<sup>TH</sup> day of August, 2009. Any other counsel of record will be served by facsimile transmission and/or first class mail.

  
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Michael C. Smith