

**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 Defendants Bank of America Corporation (“Bank of America”), Capital One Financial Corporation (“Capital One”), Enable Holdings, Inc. (“Enable Holdings”), Green Dot Corp. (“Green Dot”), JPMorgan Chase & Co. (“JPMorgan”), MasterCard International Incorporated (“MasterCard”), Meta Financial Group, Inc. (“Meta”), M&T Bank Corp. (“M&T”), and Visa Inc. (“Visa”) (the “Moving Defendants”) Motion to Dismiss:

Defendants filed their motion to dismiss on September 8, 2009. (Dkt. 188) Actus’ response is currently due on September 23, 2009. Actus respectfully requests additional time to file its response up to and including October 14, 2009. This extension is not for purposes of delay but to allow adequate time to respond.

Counsel for Actus conferred with counsel for Defendants and they do not oppose the relief requested herein.

Dated: September 22, 2009

Respectfully Submitted,

ACTUS, LLC

By: /s/ William E. Davis, III

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ATTORNEY FOR PLAINTIFF
ACTUS, LLC

CERTIFICATE OF CONFERENCE

The undersigned certifies that he conferred with counsel for Defendants Bank of America Corporation (“Bank of America”), Capital One Financial Corporation (“Capital One”), Enable Holdings, Inc. (“Enable Holdings”), Green Dot Corp. (“Green Dot”), JPMorgan Chase & Co. (“JPMorgan”), MasterCard International Incorporated (“MasterCard”), Meta Financial Group, Inc. (“Meta”), M&T Bank Corp. (“M&T”), and Visa Inc. (“Visa”) (the “Moving Defendants”) and that the Moving Defendants do not oppose the relief requested herein.

/s/ William E. Davis, III
William E. 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 22nd day of September, 2009.

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