

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

**ADVANCEME, INC.**

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*Plaintiff,*

§

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v.

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**CAUSE NO. 6:05-CV-424 (LED)-(JDL)**

**RAPIDPAY, LLC, BUSINESS CAPITAL  
CORPORATION, FIRST FUNDS LLC,  
MERCHANT MONEY TREE, INC.,  
REACH FINANCIAL, LLC and  
FAST TRANSACT, INC. d/b/a  
SIMPLE CASH,**

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*Defendants.*

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**JOINT MOTION TO AMEND THIS COURT’S  
JANUARY 26, 2007 AMENDED DOCKET CONTROL ORDER (D.E. 201)**

COMES NOW, Plaintiff ADVANCEME, INC. (hereinafter “Plaintiff” or “AdvanceMe”), and Defendants FIRST FUNDS, LLC, MERCHANT MONEY TREE, INC. and REACH FINANCIAL, LLC (hereinafter collectively referred to as “Defendants”), to bring this Joint Motion to amend the Court’s January 26, 2007 Amended Docket Control Order (D.E. 201) as follows:

<b>CURRENT DEADLINE</b>	<b>REQUESTED DEADLINE</b>	<b>ACTION</b>
May 25, 2007	May 25, 2007	<b>Notice of Request for Daily Transcript or Real Time Reporting of Court Proceedings.</b> If a daily transcript or real time reporting of court proceedings is requested for trial or hearings, the party or parties making said request shall file a notice with the Court and email the Court Reporter, Shea Sloan, at <a href="mailto:shea_sloan@txed.uscourts.gov">shea_sloan@txed.uscourts.gov</a> .

May 25, 2007	June 1, 2007	<b>Joint Pretrial Order, Joint Proposed Jury Instructions with citation to authority, and Form of the Verdict for jury trials. Proposed Findings of Fact and Conclusions of Law with citation to authority for bench trials.</b> Response to Dispositive Motions (including <i>Daubert</i> motions). Responses to dispositive motions filed prior to the dispositive motion deadline, including <i>Daubert</i> Motions, shall be due in accordance with Local Rule CV-7(e).
June 4, 2007	June 12, 2007	<b>Pretrial Disclosures due. Video and Stenographic Deposition Designations due.</b> Each party who proposes to offer deposition testimony shall file a disclosure identifying the line and page numbers to be offered. In video depositions, each party is responsible for preparation of the final edited video in accordance with their parties' designations and the Court's rulings on objections.
June 11, 2007	June 19, 2007	<b>Rebuttal Designations and Objections to Deposition Testimony due.</b> For rebuttal designations, cross-examination line and page numbers to be included.
June 18, 2007	June 26, 2007	<b>Objections to Rebuttal Deposition Testimony due.</b>
June 25, 2007	June 28, 2007	<b>Pretrial Objections Due.</b>

The parties agree that additional time is needed for Plaintiff and Defendants to complete the appropriate disclosures and prepare the necessary filings. Accordingly, the foregoing extensions are not sought for purposes of delay or any other improper purpose.

Defendants agree that Plaintiff's consent to this Motion shall not affect Plaintiff's pending motion for sanctions or alternative relief in any way and shall not be used as a basis for seeking denial of that motion.

May 24, 2007

Respectfully submitted,

By : /s/ R. Floyd Walker  
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**CERTIFICATE OF SERVICE**

I hereby certify that all counsel of record who have consented to electronic service and are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this the 24th day of May, 2007. Any other counsel of record will be served by first class mail on this same date.

/s/ R. Floyd Walker  
R. Floyd Walker