

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

ADVANCEME, INC.	§	
	§	
VS.	§	
	§	
RAPIDPAY, LLC, BUSINESS CAPITAL	§	Civil Case No. 6:05-CV-424 (DAVIS)
CORPORATION, FIRST FUNDS, LLC,	§	
MERCHANT MONEY TREE, INC.,	§	
REACH FINANCIAL, LLC and FAST	§	
TRANSACT, INC., dba SIMPLE CASH	§	

JOINT MOTION TO AMEND DOCKET CONTROL ORDER

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW Plaintiff, AdvanceMe, Inc. (“AdvanceMe”) and Defendants, First Funds, L.L.C., (“First Funds”), Merchant Money Tree, Inc. (“Merchant”) and Reach Financial, L.L.C. (“Reach Financial”) and file this joint motion to amend the docket control order entered by this Court on June 2, 2006. As this Court knows, there are two cases involving plaintiff AdvanceMe against separate defendants. However, counsel for First Funds, Merchant and Reach Financial in this case also represents the defendant in cause number 6:06-cv-82, styled *AdvanceMe, Inc. v. AmeriMerchant, L.L.C.* The parties have agreed that it would be advisable to have some of the deadlines in both cases be identical and, to some extent, the existing docket control orders accomplish that. However, they diverge with respect to compliance with P.R. 4-2 and P.R. 4-3, as well as with the discovery deadline relating to claim construction. In order to have those deadlines occur on the same date in both cases, the parties propose the following amendment to the docket control order in this case: that the date of July 31, 2006, on which the parties are to comply with P.R. 4-3, filing of joint claim construction and prehearing statement, be changed in this case to August

2, 2006; and that the date of August 30, 2006, on which discovery for claim construction was to close, be moved to September 8, 2006.

WHEREFORE, the parties jointly move this Court to enter an amended docket control order providing that the date to comply with P.R. 4-3 be changed from July 31, 2006 to August 2, 2006, and the date on which the discovery deadline for claim construction issues was to close be moved from August 30, 2006 to September 8, 2006.

An order reflecting the relief requested is attached for the Court's convenience.

Respectfully submitted,

By: /s/ Otis Carroll (with permission by Deborah Race)

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By: /s/ Doug McSwane (with permission by Deborah Race)

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**ATTORNEYS FOR FIRST FUNDS, L.L.C.,
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FINANCIAL, L.L.C.**

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). Any other counsel of record or parties will be served by facsimile transmission and/or first class mail this 28th day of July, 2006.

/s/

Deborah Race