

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CATHRYN ELAINE HARRIS, MARIO HERRERA,
and MARYAM HOSSEINY on behalf of themselves
and all others similarly situated,
Plaintiffs,

v.

BLOCKBUSTER, INC.
Defendant.

CAUSE NO. 2:09-cv-00217

JUDGE: BARBARA LYNN

**PLAINTIFFS' SUPPLEMENT TO MOTION TO LIFT STAY, CONSOLIDATE
PROCEEDINGS AND TO ENTER ORDER TO SHOW CAUSE**

TO THE HONORABLE JUDGE LYNN:

PLAINTIFFS hereby file their Supplement to Motion to Lift Stay, Consolidate Proceedings and to Enter Order to Show Cause and Brief in Support, and would respectfully show the court as follows:

In their Original Motion, Plaintiffs state that “[o]n May 5, 2009, after this litigation was stayed, plaintiffs became aware of the California Litigation.” In affidavits filed this week in the California Action, however, counsel for the Named Plaintiffs in the California Litigation claim that they communicated the existence of the California Litigation to co-counsel for Plaintiffs both before the California Litigation was filed (in June of 2008) and one month after it was filed (September of 2008). Since the filing of Plaintiffs’ Original Motion, undersigned counsel has conferred with the referenced co-counsel in this case and ascertained that verbal references were made as to him regarding a “Facebook” case at those times, but that no discussion was had as to the specifics of the case, or the jurisdiction in which it was pending. It was not until May 5, 2009, and afterwards that Plaintiffs became aware of any specific facet of the California Litigation, or the actions taken by Blockbuster therein.

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Although Plaintiffs contend that this issue has no direct bearing on the application of the election doctrine or other relief sought in Plaintiffs' Motion, Plaintiffs determined that the interest of candor and full disclosure require bringing this clarification to the Court's attention.

Respectfully submitted,

THE COREA FIRM, P.L.L.C.




Jeremy R. Wilson
State Bar No. 24037722
Thomas M. Corea
Texas Bar No. 24037906
1201 Elm St, Suite 4150
Dallas, Texas 75270
Telephone: (214) 953-3900
Facsimile: (214) 953-3901

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I certify that on October 16, 2009, I electronically filed the above Motion with the Clerk of the Court using CM/ECF. I also certify that the foregoing document is being served this day on all counsel of record identified in this manner, either via transmission of Notices of Electronic Filing generated by CM/ECF or by U. S. mail for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.



Jeremy R. Wilson