

On June 1, 2010, Judge Edwards filed an unopposed motion for a fourteen-day extension to answer or move in response to McPeters's First Amended Complaint. *Docket No. 16*. The Court granted the motion on June 2, 2010, thereby setting the current date for Judge Edwards to answer or move in response to McPeters's First Amended Complaint as June 23, 2010. *Docket No. 17*.

Four days later, without conferring with or seeking permission from counsel for any of the defendants, McPeters filed her Second Amended Complaint. *Docket No. 19*. McPeters then moved the Court for leave to amend her First Amended Complaint and file her Second Amended Complaint on June 9, 2010. *Docket No. 36*. All defendants opposed McPeters's motion to amend. *See id.*

On June 9, 2010, the Court set a hearing on McPeters's motion to amend for June 18, 2010. *Docket No. 38*. This date was prior to the time that Judge Edwards was required to answer or move in response to the First Amended Complaint. *See, e.g., Docket No. 17*. However, due to a scheduling conflict of counsel for defendants Montgomery County, Texas and Barbara Gladden Adamick, the Court re-set the hearing for Wednesday, June 30, 2010, obviously after the date on which Judge Edwards must currently answer or move in response to the amended complaint. *Docket No. 39*.

Because McPeters's motion to amend is still pending, and presumably will not be ruled upon until after the June 30, 2010 hearing, any answer or motion to dismiss the First Amended Complaint filed by Judge Edwards would be rendered moot if McPeters's motion to amend is granted. And, if McPeters's motion to amend is granted and the Second Amended Complaint is filed on June 30, 2010, all parties will have until July 14, 2010 to answer or move in response to

the Second Amended Complaint. *See* FED. R. CIV. P. 15(a)(3). As evidenced by the certificate of conference affixed to this motion, even if the motion is denied, counsel for McPeters is unopposed to an extension to July 14, 2010 for Judge Edwards to answer or move in response to the live pleading. Judge Edwards therefore requests this extension to prevent the waste of time and resources on behalf of the Court and the parties.

Judge Edwards requests the Court to grant this motion, and to order that he has an extension of time until July 14, 2010 to answer or move in response to the live pleading. Judge Edwards's request for an extension of time to July 14, 2010 to answer or move in response to McPeters's live pleading is unopposed. Judge Edwards requests any other, further, or alternative relief to which he is entitled.

Respectfully submitted,

SHEPHERD, SCOTT, CLAWATER & HOUSTON, L.L.P.

/s/Allison Standish Miller

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CERTIFICATE OF CONFERENCE

I hereby certify: 1) that on June 9 and 10, 2010, and again on June 16, 2010, I conferred via electronic mail and telephone with Mr. Robert L. Mays, Jr., the attorney-in-charge for Plaintiff Karen McPeters, concerning this motion; and 2) that Mr. Mays advised me that he is unopposed to an extension of time until July 14, 2010 for Judge Edwards to answer or move in response to McPeters's live pleading. I further certify that I have conferred with counsel for Montgomery County, Texas and Barbara Gladden Adamick and counsel for Reed Elsevier, Inc., and that they informed me that the motion is unopposed.

/s/Allison Standish Miller

Allison Standish Miller

CERTIFICATE OF SERVICE

I hereby certify that on Wednesday June 16, 2010, a true and correct copy of the foregoing instrument was forwarded via electronic delivery pursuant to local rules, *to-wit*:

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