

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

KAREN McPETERS, Individually, and on §
behalf of those individuals, persons, and §
entities who are similarly situated, §

Plaintiff, §

VS. §

CIVIL ACTION NO. 4:10-CV-1103

THE HONORABLE FREDERICK E. §
EDWARDS; BARBARA GLADDEN §
ADAMICK, DISTRICT CLERK; §
MONTGOMERY COUNTY, TEXAS; and §
REED ELSEVIER INC. d/b/a LexisNexis, §

Defendants. §

**ALL DEFENDANTS' UNOPPOSED JOINT MOTION
AND REQUEST FOR EXPEDITED RULING
TO STAY RESPONSES TO PLAINTIFF'S
MOTIONS FILED SEPTEMBER 6, 2010**

Requested Relief

1. Defendants the Honorable Frederick E. Edwards (“Judge Edwards”), Barbara Gladden Adamick (“Adamick”), Montgomery County, Texas (“Montgomery County”), and LexisNexis, a division of ReedElsevier Inc. (“LexisNexis”) (all collectively, “Defendants”) ask the Court to stay the deadline for their responses to Plaintiff Karen McPeters’s (“McPeters”) motions filed on September 6, 2010 (the “Motions”). *Docket Nos. 84, 86.* Because the responses to the Motions are due on or before September 27, 2010, Defendants request an expedited ruling on this motion, *i.e.*, on or before September 17, 2010, to prevent a waste of the parties’ and the Court’s time and resources. Further, this motion is unopposed.

Background and Argument

2. On Monday, September 6, 2010, without specifically conferring with Defendants, McPeters filed the Motions, which were a Motion for Leave to Extend Time Period for Joinder of Plaintiffs and a Motion for Class Certification. *Docket Nos. 84, 86*. Under the Local Rules, the deadline for responding to these motions is September 27, 2010. *See Southern District of Texas Local Rules 7.3, 7.4*.

3. Each defendant has moved to dismiss McPeters's live pleading, which is currently her Second Amended Complaint. *See Docket Nos. 19, 49, 51, 56*. The motions to dismiss are fully briefed and awaiting a ruling from the Court. *See id.*; *see also Docket Nos. 72–74, 75, 78, 79, 83*. At this point, it would be prejudicial to the Defendants and a complete waste of the parties' and the Court's time and resources for the Defendants to have to respond to a class certification motion while the motions to dismiss, which may dispose of the case entirely, are pending.

4. It is also important to note that, given McPeters's July 27, 2010 representation to the Court that she expected to file her motion for class certification within two weeks' time, the Motions are arguably untimely filed. *See Docket No. 65*. Further, the Motions come on the heels of the concern expressed by Defendants that, if McPeters were allowed to once again amend her complaint, there would be no end to amendments which would require further responses, further briefing, and further waste of the parties' and the Court's time and resources. *See, e.g., Docket No. 81*. This is more of the same from McPeters, and Defendants respectfully request a respite from performing possibly unnecessary and certainly costly and time-consuming legal work until such time as the Court has had the opportunity to rule on the pending dispositive motions.

5. Finally, should the Court deny the motions to dismiss, there still exists potential for a third amended complaint to be filed, which will result in another round of dispositive briefing. *See*

Docket Nos. 70, 71, 81. Until the Defendants, and the Court, know exactly what any new complaint looks like, it is premature to consider class certification.

Conclusion

6. Defendants request the Court to extend the time for responding to McPeters's September 6, 2010 Motion for Class Certification and Motion for Leave to Extend Time Period for Joinder of Parties until after the time the Court has had the opportunity to rule on Defendants' motions to dismiss. Defendants also request an expedited ruling—*i.e.*, on or before September 17, 2010—on this motion. Again, this motion is unopposed. Defendants request any other, further, or alternative relief to which they may be legally or equitably entitled.

Respectfully submitted,

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

By: /s/ Allison Standish Miller

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Certificate Of Service

I hereby certify that on Tuesday, September 7, 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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