

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**Daniel R. Castro  
Plaintiff**

v.

**ENTREPRENEUR MEDIA, INC.  
Defendant**

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**CIVIL ACTION NO: 10CA695**

**CASTRO'S UNOPPOSED MOTION TO SUBSTITUTE CERTIFICATE OF  
CONFERENCE AND PROPOSED ORDER GRANTING  
MOTION TO FILE SEPARATE RESPONSES**

Now Comes Plaintiff, Daniel R. Castro ("Castro") and files this Motion To Substitute Certificate of Conference and Proposed Order Granting Motion to File Separate Responses To Defendant's Motion to Dismiss Under Rule 12(b)(6) and would show unto the Court as follows.

Castro previously filed proposed order granting his Motion to File Separate Responses to Defendant's Rule 12(b)(6) motion inadvertently said it was "unopposed." The proposed order was a "cut and paste" job from another order. The certificate of conference to Castro's Motion clearly informed the court that the motion was opposed.

Accordingly, Castro hereby tenders to the court his amended proposed order and amended certificate of conference.

Respectfully Submitted,

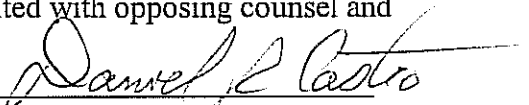
**CASTRO & BAKER, LLP**

By: 

Daniel R. Castro  
State Bar No. 03997390  
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Austin, Texas 78757  
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**CERTIFICATE OF CONFERENCE**

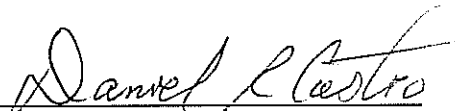
The undersigned hereby certifies that he consulted with opposing counsel and opposing counsel does not oppose this motion.

  
**Daniel R. Castro**

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of this pleading was filed with the Clerk of the Court using CM/ECF system, which will send a notification of a Notice of Electronic Filing to the following counsel of record on December 17, 2010:

	William G. Barber Pirkey Barber, LLP 600 Congress Avenue, Suite 2120 Austin, Texas 78701
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**Daniel R. Castro**

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**Daniel R. Castro  
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**CIVIL ACTION NO:  
A:10-CA-695-LY**

**ORDER GRANTING CASTRO’S MOTION TO SUBSTITUTE CERTIFICATE  
OF CONFERENCE AND PROPOSED ORDER**

Before the Court is Plaintiff’s Motion to Substitute Certificate of Conference and proposed Order granting Motion to File Separate Responses to Defendants’ Rule 12(b)(6) Motion. The Court having considered the motion, is of the opinion that the Motion should be granted.

ACCORDINGLY, IT IS ORDERED that the Clerk of the Court is hereby ordered to substitute the two above referenced documents.

Signed and executed this \_\_\_\_ day of December 2010.

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The Honorable Lee Yeakel