

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CAPITOL RECORDS, INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	Civ. Act. No. 03-CV-11661-NG
)	(LEAD DOCKET NUMBER)
v.)	
)	
NOOR ALAUJAN,)	
)	
Defendant.)	

SONY BMG MUSIC ENTERTAINMENT, <i>et al.</i> ,)	
)	
Plaintiffs,)	Civ. Act. No. 07-CV-11446-NG
)	(ORIGINAL DOCKET NUMBER)
v.)	
)	
JOEL TENENBAUM,)	
)	
Defendant.)	

**DEFENDANT’S MOTION TO STAY IN PART THE FEBRUARY 24, 2009 OMNIBUS
HEARING**

The First Circuit Court of Appeals has ordered that the district court may either stay its proceedings presently scheduled for February 24, 2009 or it may permit these and/or other proceedings in the case to go forward, but without being narrowcast. (See First Circuit Order, attached as Exhibit A.)

Defendant Joel Tenenbaum respectfully requests that hearing on the Defendant’s Motion for Leave to File an Amended Counterclaim (Dkt. No. 673) be stayed pending resolution by the Court of Appeals of the narrowcast issue.

Defendant Joel Tenenbaum and his counsel, Charles Nesson, respectfully request that, without being narrowcast, (1) Defendant's Motion to Join RIAA as a Party (Dkt. No. 693), and (2) Defendant's Motion to Compel Deposition of Matthew Oppenheim (Dkt. No. 736), be heard by the court as presently scheduled on February 24, 2009; and (3) that Plaintiffs' motion for sanctions against Charles Nesson (Dkt. No. 739) be heard at a separate hearing to be held as soon thereafter as is convenient for the Court.

Defendant's counsel has conferred with Plaintiffs' counsel with respect to this motion.

JOEL TENENBAUM.

By his attorney,

Dated: February 20, 2009

/s/Charles R. Nesson
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 20, 2009, a copy of the foregoing **DEFENDANT'S MOTION TO STAY IN PART THE FEBRUARY 24, 2009 OMNIBUS HEARING** was served upon the Plaintiffs via ECF; first class mail, postage pre-paid; and electronic mail (where available), at the following addresses:

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