

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 FOR LEAVE TO REPLY TO PLAINTIFFS' RESPONSE IN
OPPOSITION TO DEFENDANT'S CONDITIONAL MOTION TO COMPEL THE
DEPOSITION OF MATTHEW OPPENHEIM**

Pursuant to Local Rule 7.1(b)(3), Defendant Joel Tenenbaum moves this Court to grant leave to reply to Plaintiffs' Opposition (Dkt. No. 739) to his original Motion to Compel Deposition of Matthew Oppenheim (Dkt. No. 736). The proposed Reply is attached hereto as Exhibit A, and Exhibits A, B, C, and D to the Reply attached hereto as Exhibits B, C, D, and E. Defendant argues that the proposed deposition of Mr. Oppenheim and the subsequent Motion to Compel that deposition are both proper. Because Mr. Oppenheim is a plaintiff party in this action, his deposition was appropriately noticed under the Federal Rules of Civil Procedure and

was served only after attempts to confer with Plaintiffs' counsel pursuant to the Federal Rules of Civil Procedure and the Local Rules of this court. Further, despite Plaintiffs' objections, any location within the District of Massachusetts, including the Harvard Law School campus, is a proper venue for the deposition.

Wherefore, Defendant respectfully requests leave to file his Reply to Plaintiffs' Response in Opposition to Defendant's Conditional Motion to Compel the Deposition of Matthew Oppenheim and attached exhibits.

JOEL TENENBAUM.

By his attorney,

Dated: February 23, 2009

/s/Charles R. Nesson
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 23, 2009, a copy of the foregoing **DEFENDANT'S MOTION FOR LEAVE TO REPLY TO PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANT'S CONDITIONAL MOTION TO COMPEL THE DEPOSITION OF MATTHEW OPPENHEIM** 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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