



Holme Roberts & Owen LLP  
*Attorneys at Law*

BOULDER

November 18, 2008

COLORADO SPRINGS

**BY ECF AND FIRST-CLASS MAIL**

Hon. Robert M. Levy  
U.S. District Court, E.D.N.Y.  
225 Cadman Plaza East  
Brooklyn, New York 11201

DENVER

Re: *UMG Recordings, Inc. v. Lindor*, No. 05-CV-1095(DBT)(RML)

LONDON

Dear Magistrate Judge Levy:

LOS ANGELES

Plaintiffs respectfully request an extension of time, through and including December 4, 2008, to file Plaintiffs' Reply in Support of Motion to Dismiss and for Sanctions and to file Plaintiffs' Opposition to Defendant's Rule 11 Motion. As grounds therefor, Plaintiffs state as follows:

MUNICH

Plaintiffs served their Motion for Sanctions and to Dismiss, per the original briefing schedule, on September 12, 2008. Defendant's Response was due on October 13, 2008. Defendant sought, and was granted, an extension through October 27, 2008, to which Plaintiffs consented. Defendant then sought, and was granted, a second extension, through November 10, to which Plaintiffs again consented. Defendant filed his Response on November 10, 2008, with Plaintiffs' Reply due on November 24. On November 13, 2008, Defendant filed a Rule 11 Motion for Sanctions against Plaintiffs. Plaintiffs' Response is currently also due November 24, 2008.

PHOENIX

SALT LAKE CITY

These Motions are substantially intertwined and Plaintiffs believe it is appropriate that both Plaintiffs' Reply and Response be due on the same day. Additionally, Plaintiffs' counsel had a trial in a similar record company case set for December 1, 2008 in the District of Massachusetts, which was continued yesterday, but which left Plaintiffs little time to focus on Defendant's briefs. Finally, with the intervening Thanksgiving Holiday, and Plaintiffs' counsel's schedule, Plaintiffs seek an additional 14 days to file their respective Reply and Response.

SAN FRANCISCO

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Plaintiffs have sought no previous extensions of time to file their Reply or their Response to Defendant's Motion. Given that Defendant had approximately two months to prepare his Response and that there is no trial date in this case as of yet, in fact both parties are seeking dismissal, no party would be prejudiced were this Court to grant the requested extension.

Accordingly, Plaintiffs respectfully request that this Court grant them an extension, through and including December 8, 2008, to file their Reply in Support of Plaintiffs' Motion for Sanctions and to Dismiss and to Respond to Defendant's Rule 11 Motion. Plaintiffs' counsel has conferred with Ray Beckerman, Esq., counsel for Defendant, regarding this requested extension. Defendant objects to the requested extensions.

Respectfully submitted,

s/Eve G. Burton

cc: Ray Beckerman, Esq. (by ECF and e-mail)  
Victor Kao, Esq. (by ECF and e-mail)  
Timothy M. Reynolds, Esq. (by e-mail)  
Laurie Rust, Esq. (by e-mail)