

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CAPITOL RECORDS, INC., a Delaware corporation, <i>et al.</i> ,)	
)	Case No. 06-1497 (MJD/RLE)
Plaintiffs,)	PLAINTIFFS' MOTION TO CONTINUE
)	TRIAL DATE
v.)	
)	
JAMMIE THOMAS,)	
)	
Defendant.)	
)	

Plaintiffs respectfully move to continue the trial date set for May 11, 2009, and state as follows:

1. On October 29, 2008, the Court issued a Date Certain Trial Notice (Doc. No. 202) setting a jury trial in this case to commence on March 9, 2009.
2. On February 6, 2009, Defendant filed an Unopposed Motion to Continue Trial Date (Doc. No. 225). The basis of Defendant's request was that Defendant's counsel had a conflict with the March 9, 2009 trial date based on his involvement in and preparation for trial proceedings in another case. Plaintiffs did not oppose Defendant's request to continue the March 9 trial date.
3. The Court granted Defendant's Unopposed Motion on February 9, 2009, and vacated the March 9, 2009 trial date. (Doc. No. 226.) That same day, the Court issued an Amended Date Certain Trial Notice (Doc. No. 227) setting a new jury trial in this case to commence on May 11, 2009.

4. Plaintiffs now move to continue the May 11, 2009 trial date due to a conflict with a previously scheduled federal jury trial in another case. Specifically, Plaintiffs lead national counsel has a four-day jury trial in another matter set to begin on May 18, 2009. During the week of May 11, 2009, Plaintiffs' counsel will be engaged in trial preparation including attending a pretrial conference set for May 14, 2009.

5. Shortly after the Court set the May 11, 2009 trial date, Plaintiffs contacted Defendant and the Court to advise them of the conflict. Plaintiffs understand that the Court's calendar would permit a jury trial of this matter commencing on June 15, 2009.

6. For the foregoing reasons, Plaintiffs respectfully request that the jury trial in this case be continued to June 15, 2009.

7. Plaintiffs' counsel conferred with Defendant's counsel regarding the requested relief. Defendant's counsel stated that Defendant takes no position regarding this motion.

WHEREFORE, Plaintiffs respectfully request that the Court vacate the May 11, 2009 trial date in this case and reset the trial date for June 15, 2009.

Respectfully submitted this 24th day of February 2009.

/s/ Timothy M. Reynolds

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