

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

Arista Records, LLC, a Delaware limited liability company, et al.,	§	
Plaintiffs,	§	
vs.	§	Case No. CIV-07-568-R
Does 1-11,	§	
Defendants.	§	

Defendants Does' Response to Plaintiffs' Second Motion to Extend Time

Defendant(s) Doe(s), by their undersigned counsel, respectfully state as follows in response to Plaintiffs' second motion for extension of time, docket no. 28, for Plaintiffs to respond to defendant(s) Doe(s) motion to quash plaintiffs' subpoena issued to non-party Oklahoma State University.

1. A motion, brief and supporting evidence to quash plaintiffs' subpoena to OSU was filed by Defendant(s) Does on August 6, 2007.
 - a. Plaintiffs response was due on Friday, August 24th.
 - b. Plaintiffs sought and obtained from the Court a 17 day extension to Monday, September 10th.
 - c. Therefore, Plaintiffs have thirty-five (35) days to prepare their response by September 10th.

2. Plaintiffs now seek an additional 14 day extension to Monday, September 24th containing a disingenuous allegation that an attorney, who is not of record in this case, is purportedly drafting the plaintiffs' response. If the Court grants Plaintiffs present motion, the plaintiffs will have had forty-nine (49) days to prepare their response to Defendant(s) Doe(s) motion to quash.

3. Defendant(s) Doe(s) may or may not be associated with Oklahoma State University and this litigation continues to haunt them and other non-parties.¹
4. Plaintiffs have very competent counsel of record in this case: Lisa R. Hemphill and Stacy R. Obenhaus for the firm of Gardere, Wynne Sewell LLP; and, Ryan Leonard for the Leonard Law Firm, who are extremely capable of drafting Plaintiffs' response in this case.
5. Assuming *in arguendo* that an attorney who is not of record is drafting plaintiffs' response, then that attorney should have provided his work product to Ms. Hemphill, Mr. Obenhaus and Mr. Leonard (attorneys of record) for the timely completion and filing of plaintiffs' response on or before Monday, September 10.
6. No cause has been shown by the Plaintiffs to support any further extensions of their filing deadline. The Court should so find.
7. Four days remain for Plaintiffs to complete and file their response brief in this case.
8. Defendant(s) Doe(s) will be prejudiced if the Court grants any further extensions under the circumstances of this case.

Wherefore the Defendant(s) Doe(s) request the Court deny any further extensions of the Plaintiffs' briefing deadline.

Respectfully submitted,
s/ Marilyn D. Barringer-Thomson
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¹Defendant(s) Doe(s) have compassion for the illness of any child of a non-attorney of record; however, it is in their interest to have an expeditious resolution of this litigation.

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and

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Counsel for Defendant Doe(s)

CERTIFICATE OF SERVICE

This is to certify that on this 7th day of September 2007, I electronically transmitted the above and forgoing to the Clerk of the Court using the ECF System for filing. Based on the electronic records current on file, the Clerk of the Court will transmit a Notice of Electronic Filing to the all ECF registrants in this case:

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Subpoena Issued to Non-Party Oklahoma State
University by Plaintiffs

S:/Marilyn D. Barringer-Thomson

Marilyn D. Barringer-Thomson