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PATRICK J. CAROME

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

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BEN EZRA, WEINSTEIN AND COMPANY, INC.

Plaintiff,

v.

NO. CIV 97-0485 LH/LFG

AMERICA ONLINE, INC.,

Defendant.

**JOINT MOTION FOR EXTENSION OF TIME FOR  
PLAINTIFF TO RESPOND TO DEFENDANT'S  
MOTION FOR SUMMARY JUDGMENT AND FOR  
DEFENDANT TO REPLY TO PLAINTIFF'S RESPONSE  
TO DEFENDANT'S MOTION TO STAY DISCOVERY**

Plaintiff Ben Ezra, Weinstein and Company, Inc., and Defendant America Online, Inc., by and through their respective counsel of record, jointly move the Court for an order extending certain pretrial motion deadlines. As grounds for this motion, the parties state:

1. The Plaintiff requires a four-day extension of time through July 17, 1998, to submit its responses to Defendant's Motion for Summary Judgment served on June 24, 1998.
2. The Defendant requires a four-day extension of time through July 20, 1998, to submit its Reply to Plaintiff's Response to Defendant's Motion to Stay Discovery and Toll Discovery Deadlines and For a Protective Order Pending Resolution of its Motion for Summary Judgment.
3. Counsel for the parties concur in this motion.

**WHEREFORE**, Plaintiff Ben Ezra Weinstein and Company, Inc. and Defendant America Online, Inc. respectfully request that the deadline for serving Plaintiff's response(s) to Defendant's Motion for Summary Judgment be extended by four days through July 17, 1998; that the deadline

for serving Defendant's Reply to Plaintiff's Response to Defendant's Motion to Stay Discovery and Toll Discovery Deadlines and For a Protective Order Pending Resolution of its Motion for Summary Judgment be extended by four days through July 20, 1998; and for such other and further relief as the Court deems just and proper.

Respectfully submitted,

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I hereby certify that a copy of the  
foregoing pleading was hand-delivered to:

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and mailed to:  
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this 10th day of July 1998:

Mark Glenn for  
Esteban A. Aguilar