

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DALLAS BUYERS CLUB, LLC,)	
)	Case No.: 14-cv-3504
Plaintiff,)	
)	Judge Matthew F. Kennelly
v.)	
)	Magistrate Judge Maria Valdez
DOES 1 – 27,)	
)	
Defendants.)	

DALLAS BUYERS CLUB, LLC,)	
)	Case No.: 14-cv-3517
Plaintiff,)	
)	Judge Matthew F. Kennelly
v.)	
)	Magistrate Judge Maria Valdez
DOES 1 – 25,)	
)	
Defendants.)	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE SUPPLEMENTAL
MEMORANDUM AND TO RESET HEARING DATE**

Plaintiff Dallas Buyers Club, LLC, by and through its undersigned counsel, and in support of its Motion For Leave to File a Supplemental Memorandum in Support of Joinder and to Reset the Hearing Date on Plaintiff’s Motions to Take Discovery in advance of the Rule 26(f) conference in the above-captioned cases, states as follows:

1. Plaintiff filed Motions in the above-referenced cases to issue discovery prior to a Federal Rule of Civil Procedure 26(f) conference being held. Those motions were heard by this Court on June 5, 2014. On that date, this Court entered and continued the Motions, and asked Plaintiff to file a supplemental memorandum regarding the recent decision in *AF Holdings, LLC v. Does 1-1058*, --- F.3d ----, 2014 WL 2178839 (D.C. Cir. 2014), and its potential impact on Plaintiff’s Motions.

2. Plaintiff filed its Supplemental Memorandum, pursuant to a subsequent Order, on June 23, 2014. A ruling by the Court on Plaintiff's Motions is currently set for June 30, 2014.

3. No appearance has been filed to date by any Defendant in either of the above two cases.

4. On June 25, 2014, counsel for Plaintiff appeared before this Court for a status hearing in four other cases, namely *Countryman Nevada, LLC v. Does 1-51* (Case No. 14-cv-01382); *Dallas Buyers Club, LLC v. Does 1-5* (Case No. 14-cv-01638), *Dallas Buyers Club, LLC v. Does 1-41* (Case No. 14-cv-02156); and *Dallas Buyers Club, LLC v. Does 1-33* (Case No. 14-cv-02170). While these cases are not directly related to the present cases, they arise out of generally similar fact patterns. At that time, the Court indicated that it had additional concerns relating to the arguments that Plaintiff's counsel had advanced in the present cases.

5. Plaintiff now seeks an opportunity to respond in writing to the concerns that the Court raised during the status hearing on the four additional cases on June 25, 2014. Plaintiff ordered and received a copy of the transcript of the June 25 hearing today to assist counsel in preparing the supplemental memorandum.

6. In order to allow counsel time to confer with Plaintiff and prepare a supplemental response addressing this Court's additional concerns, Plaintiff requests that this Court permit Plaintiff to file a supplemental memorandum on July 2, 2014, and that the hearing date of June 30, 2014 on Plaintiff's discovery motions prior to a Rule 26(f) conference be stricken and reset to another date at the Court's convenience.

WHEREFORE, Plaintiff requests the Court to enter an Order:

- (1) Permitting Plaintiff to file a supplemental memorandum on July 2, 2014; and
- (2) Resetting the hearing on Plaintiff's discovery motions from June 30 2014, to another date at the Court's convenience.

Dated: June 26, 2014

Respectfully submitted,

DALLAS BUYERS CLUB, LLC

By: s/ Michael A. Hierl
Michael A. Hierl (Bar No. 3128021)
Todd S. Parkhurst (Bar No. 2145456)
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Attorneys for Plaintiff Dallas Buyers Club, LLC

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing **Plaintiff's Motion For Leave to File Supplemental Memorandum and to Reset Hearing Date** was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on June 26, 2014.

s/Michael A. Hierl

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**PLAINTIFF’S NOTICE OF MOTION FOR LEAVE TO FILE SUPPLEMENTAL
MEMORANDUM AND TO RESET HEARING DATE**

PLEASE TAKE NOTICE that on Wednesday, July 2, 2014, at 9:30 am, or as soon thereafter as counsel may be heard, we shall appear before the Honorable Matthew F. Kennelly, in the courtroom usually occupied by him, Room 2103, in the United States District Courthouse at 219 South Dearborn Street, Chicago, IL and present the accompanying **Plaintiff’s Motion for Leave to File Supplemental Memorandum and to Reset Hearing Date**.

Dated: June 26, 2014

Respectfully submitted,

DALLAS BUYERS CLUB, LLC

By: s/ Michael A. Hierl
Michael A. Hierl (Bar No. 3128021)
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(312) 580-0100 Telephone
Attorneys for Plaintiff
Dallas Buyers Club, LLC

CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that a true and correct copy of the foregoing **Plaintiff's Notice of Motion For Leave to File Supplemental Memorandum and to Reset Hearing Date** was filed electronically with the Clerk of the Court and served on all counsel of record and interested parties via the CM/ECF system on June 26, 2014.

s/Michael A. Hierl