

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

10 RING PRECISION, INC.)	
)	
Plaintiff)	
)	
v.)	No. 5:11-cv-00663-XR
)	
KENNETH MELSON)	
)	
Defendant)	

**PLAINTIFF'S MOTION TO EXTEND TIME TO FILE PLAINTIFF'S
OPPOSITION TO DEFENDANT'S MOTION TO TRANSFER VENUE
OR, IN THE ALTERNATIVE, FOR A STAY OF PROCEEDINGS**

COMES NOW Plaintiff, by counsel, and moves the court for an extension of time of ten (10) days (until September 2, 2011) to file Plaintiff's opposition to Defendant's motion to transfer venue or, in the alternative, for a stay of proceedings. Defendant's motion was filed on Friday, August 12, 2011; the opposition is due August 23, 2011.

This motion is made as lead counsel, Richard E. Gardiner (whose *pro hac vice* motion is pending), was in a federal criminal jury trial in the U.S. District Court for the Eastern District of Virginia from Monday, August 15 through Wednesday, August 17. Further, on Monday, August 22, 2011, Mr. Gardiner will be sitting as a substitute judge in the Fairfax County Juvenile & Domestic Relations General District Court, and on Wednesday, August 24, 2011, will be in a federal administrative hearing in New York City, which require travel to New York on Tuesday, August 23, and return travel on Thursday, August 25. On Friday, August 26, 2011, Mr. Gardiner has a motion hearing in the U.S. District Court for the Eastern District of Virginia.

Defendant will not be prejudiced by the granting this motion as he has not yet even been formally served with process, and no other motions are pending which would require this court's resolution before this court decides Defendant's pending motion.

Respectfully submitted,

10 RING PRECISION, INC.
By Counsel

/s/Allen Halbrook
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CERTIFICATE OF CONFERENCE

On August 17, 2011, counsel for Plaintiff spoke with counsel for Defendant to discuss this motion and counsel for Defendant indicated that he would not consent to the motion.

/s/Richard E. Gardiner
Richard E. Gardiner

CERTIFICATE OF SERVICE

I hereby certify that the foregoing PLAINTIFF'S MOTION TO EXTEND TIME TO FILE PLAINTIFF'S OPPOSITION TO DEFENDANT'S MOTION TO TRANSFER VENUE OR, IN THE ALTERNATIVE, FOR A STAY OF PROCEEDINGS was filed electronically through the CM/ECF system, which caused Daniel Riess, Trial Attorney, to be served by electronic means this 19th day of August, 2011.

/s/Allen Halbrook
Allen Halbrook