

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

LIGHTSPEED MEDIA CORPORATION,)	
)	
Plaintiff,)	Case No. 3:12-cv-00889-WDS-SCW
)	
v.)	DEFENDANT ANTHONY
)	SMITH’S MOTION FOR
ANTHONY SMITH, SBC INTERNET SERVICES,)	EXTENSION OF TIME TO
INC., d/b/a AT&T INTERNET SERVICES; AT&T)	RESPOND TO THE FIRST
CORPORATE REPRESENTATIVE #1; COMCAST)	AMENDED COMPLAINT
CABLE COMMUNICATIONS, LLC, and)	
COMCAST CORPORATE REPRESENTATIVE #1,)	
)	
Defendants.)	
)	

Defendant Anthony Smith (“Smith”) respectfully submits this motion, pursuant to Fed. R. Civ. P. 6(b), for an order extending by nine days the deadline by which Smith must move, plead, or otherwise respond to the First Amended Complaint, up to and including September 19, 2012.

In support of this motion, Smith states as follows.

1. Plaintiff Lightspeed Media Corporation (“Plaintiff”) filed the initial complaint in this action in the Circuit Court for the Twentieth Judicial District, St. Clair County, Illinois, on December 14, 2011, under the caption *Lightspeed Media Corporation v. John Doe*, Case No. 11-L-683 (Ill. Cir. Ct. Dec. 14, 2011). (See Doc. 2-3.)

2. Plaintiff filed an amended complaint in that court on August 3, 2012, for the first time naming Smith and other parties as defendants. (See Doc. 2-2 (“First Amended Complaint”) & Doc. 9 p. 4.)

3. Defendant SBC Internet Services, Inc. d/b/a AT&T Internet Services, (“AT&T”) removed the action to this Court by notice of removal filed on August 10, 2012. (Doc. 2.)

4. Smith had not been served process at the time of removal. (*Id.* ¶ 5.)

5. AT&T did not seek Smith's consent to removal nor provide him notice of removal. (*Id.* ¶¶ 18-19.)

6. Smith first learned of this action on August 20, 2012, when he was served a copy of the First Amended Complaint, along with a summons issued by the Circuit Court. (See Summons attached hereto as Exhibit A.) Both the First Amended Complaint and the Summons refer only to the state court proceeding, giving Smith no indication that the case had been removed to federal court prior to service.

7. Smith promptly retained counsel to represent him in this action.

8. Pursuant to Fed. R. Civ. P. 6(a)(1), Smith's response to a federal complaint would be due to be filed within 21 days after service, i.e., no later than September 10, 2012. However, a complaint filed in Illinois state court requires a response within 30 days after service, i.e., no later than September 20, 2012.

9. Because Plaintiff served Smith with a state complaint and state summons, pursuant to state rules of service, it is proper to allow him to respond to the First Amended Complaint within the time allowed by state rules of procedure.

10. The First Amended Complaint raises six distinct causes of action against Smith personally, requiring Smith to address a complex array of factual and legal issues in his response.

11. An extension of nine days, up to and including September 20, 2012, will provide Smith sufficient time to prepare the response. No party will be prejudiced by the modest extension.

For the foregoing reasons, Plaintiff respectfully requests that this Motion for Extension of Time to Respond to the First Amended Complaint be granted.

Dated: September 10, 2012

Respectfully submitted,

/s/ Jason E. Sweet

Jason E. Sweet (*pro hac vice* admission pending)
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/s/ Dan Booth

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Counsel for Defendant Anthony Smith

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(b)

I hereby certify that on this 10th day of September, 2012, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all attorneys of record and provide service upon each.

/s/ Dan Booth

Dan Booth