

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

ROBERT H. BRAVER, an individual,)	
)	
Plaintiff,)	
)	
vs.)	Case No. CIV-04-1013-W
)	
AMERIQUEST MORTGAGE COMPANY, a)	
Delaware corporation, INNOVATIVE MARKETING,)	
INC., d/b/a LEAD EXTREME, a Washington corporation,)	
THE LOAN PAGE, INC., a Delaware corporation, GO)	
APPLY, INC., d/b/a ELEADZ, a Nevada corporation,)	
JOHN DOES 1-50)	
Defendants.)	
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AMERIQUEST MORTGAGE)	
COMPANY, a Delaware corporation,)	
)	
Cross-Complainant,)	
)	
v.)	
)	
INNOVATIVE MARKETING, INC. dba)	
LEAD EXTREME, a Washington Corporation;)	
VISIUM SOLUTIONS CORPORATION, a)	
Florida corporation; and PROFESSIONAL)	
EQUITY MARKETING, a California)	
Corporation, and ROES I-50, inclusive,)	
)	
Cross-Defendants.)	

**JOINT MOTION FOR EXTENSION OF TIME AND
WITHDRAWAL OF LEAD EXTREME’S
MOTION TO DISMISS CROSS-COMPLAINT**

Defendants Ameriqurest Mortgage Company (“Ameriqurest”) and Innovative Markeing, Inc. d/b/a Lead Extreme (“Lead Extreme”) (collectively the “Moving Parties”) move according to LCvR 7.2(f) for an extension of time to answer or otherwise plead to the Amended Complaint. Furthermore, because Lead Extreme is now subject to jurisdiction in

the underlying action as a direct defendant, Lead Extreme withdraws its Motion to Dismiss Cross-Complaint, and moves that the Court set a date of May 9, 2005 to answer or otherwise plead to the Cross-Complaint. In support of this motion, the Moving Parties state as follows:

1) Without the requested extensions, Ameriquest's and Lead Extreme's Answers to the Amended Complaint would be due on April 17, 2005. Lead Extreme's Answer to Ameriquest's Cross-Complaint would be due at such time as the Court sets, because the Motion to Dismiss has been pending.

2) No previous application for extension has been made.

3) The Moving Parties and Plaintiff have agreed to exchange Initial Disclosures under Rule 26(a)(1) on April 25, 2005. The Moving Parties and Plaintiff agree that Ameriquest and Lead Extreme need to have information contained in the Initial Disclosures, such as which emails the lawsuit is based on and who sent and received the allegedly infringing emails, in order to adequately answer the Amended Complaint. Furthermore, counsel for Plaintiff has indicated that the Amended Complaint is based on other emails than those attached to the original petition, thus adding to the necessity for an extension of time to answer. Therefore, the Moving Parties request an eleven-day extension of time, until April 28, 2005, for Ameriquest and Lead Extreme to answer or otherwise plead to the Amended Complaint. This date is three days after the date for exchanging initial disclosures.

Because the Cross-Complaint is an action for indemnity based entirely on the Amended Complaint, Lead Extreme believes it would be proper to answer the Cross-Complaint after answering the Amended Complaint. Furthermore, Ameriquest has indicated that it may amend the Cross-Complaint at such time that it files its Answer or otherwise pleads to the Amended Complaint. Therefore, the Moving Parties and Plaintiff have agreed

that Lead Extreme have until May 9, 2005, eleven days after filing the Answer to the Amended Complaint, to file an Answer to the Cross-Complaint.

4) Counsel for Plaintiff, Ameriquest, and Lead Extreme all agree to these extensions.

5) The requested extensions will not impact any trial or other deadlines, as no such deadlines have been set.

6) In summary, the Moving Parties request an eleven-day extension of time, until April 28, 2005, to answer or otherwise plead to the Amended Complaint. The Moving Parties further request that the Court withdraw Lead Extreme's Motion to Dismiss Cross-Complaint and set a date of May 9, 2005 for Lead Extreme to answer the Cross-Complaint.

Respectfully Submitted,

s/ Marie S. Johnston

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- AND -

s/ Kalley R. Aman s/ Marie S. Johnston

*(Signed by Marie S. Johnston with
permission of Kalley R. Aman)*

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CERTIFICATE OF SERVICE

I hereby certify that on April 15, 2005, I electronically transmitted the attached document to the Clerk of Court using ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

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