# IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF TEXAS MARSHALL DIVISION

AGIS SOFTWARE DEVELO	OPMENT LLC, \$  suintiff, \$  \$	Case No. 2:21-cv-00072-JRG (LEAD CASE)  JURY TRIAL DEMANDED
T-MOBILE USA, INC. and T-MOBILE US, INC.,  Defendants.		
AGIS SOFTWARE DEVELO	OPMENT LLC, \$ shintiff, \$ 8	Case No. 2:21-cv-00024-JRG (CONSOLIDATED CASE)  JURY TRIAL DEMANDED
LYFT, INC.,	fendant.	

JOINT MOTION FOR MUTUAL EXTENSIONS OF TIME TO FILE OBJECTIONS AND MOTION FOR RECONSIDERATION REGARDING THE REPORT AND RECOMMENDATION (DKT. 212) ON DEFENDANT LYFT, INC.'S MOTION TO DISMISS FOR IMPROPER VENUE (DKT. 30) AND FOR RESPONSES TO THE SAME

Plaintiff AGIS Software Development LLC ("AGIS" or "Plaintiff") and Defendant Lyft, Inc. ("Lyft" or "Defendant") jointly move, with the Court's permission, for (1) a one-week extension of time up to and including **December 15, 2021** for AGIS file its objections and motion for reconsideration regarding the Report and Recommendation (Dkt. 212) on Defendant Lyft, Inc.'s ("Lyft" or "Defendant") Motion to Dismiss (Dkt. 30); and (2) a two-week extension of time up for Lyft to file its responses to AGIS's objections and motion for reconsideration. The Court previously granted an extension of time to AGIS to December 8, 2021 (Dkt. 240).



AGIS and Lyft have conferred on this motion, and the parties respectfully request that the Court grant this Unopposed Motion for a further extension of time and advise that they do not file this Motion for purposes of delay. Regarding AGIS's requested extension, on December 7, 2021, the laptop computers of the attorneys responsible for preparing the objections and motion for reconsideration were stolen from a meeting room at a conference attended by AGIS's counsel. AGIS requests the one-week extension to allow for its counsel to obtain replacement computers and complete the preparation of the papers. Lyft requests the two-week extension in view of the complexity of the issues and the new deadline falling within the holidays. Accordingly, the parties requests that the Court grant the foregoing Motion and enter an Order extending the deadlines (1) for AGIS to file its objections and motion for reconsideration up to and including **December 15**, 2021, and (2) for Lyft to file its responses up to and including January 12, 2022.

Dated: December 7, 2021 Respectfully submitted,

/s/ Vincent J. Rubino, III

Alfred R. Fabricant NY Bar No. 2219392

Email: ffabricant@fabricantllp.com

Peter Lambrianakos NY Bar No. 2894392

Email: plambrianakos@fabricantllp.com

Vincent J. Rubino, III NY Bar No. 4557435

Email: vrubino@fabricantllp.com

**FABRICANT LLP** 

411 Theodore Fremd Road, Suite 206 South

Rye, New York 10580 Telephone: (212) 257-5797 Facsimile: (212) 257-5796

Samuel F. Baxter

Texas State Bar No. 01938000 Email: sbaxter@mckoolsmith.com

Jennifer L. Truelove

Texas State Bar No. 24012906

Email: jtruelove@mckoolsmith.com



#### MCKOOL SMITH, P.C.

104 e. Houston Street, Suite 300 Marshall, Texas 75670 Telephone: (903) 923-9000 Facsimile: (903) 923-9099

# ATTORNEYS FOR PLAINTIFF AGIS SOFTWARE DEVELOPMENT LLC

# /s/ Jeremy Taylor

Jeremy Taylor Arya Moshiri (Pro Hac Vice) **Baker Botts L.L.P.** jeremy.taylor@bakerbotts.com arya.moshiri@bakerbotts.com 101 California St., Suite 3600 San Francisco, CA 94111 Telephone: (415) 291-6200 Facsimile: (415) 291-6300

Danny David
Baker Botts L.L.P.
danny.david@bakerbotts.com
910 Louisiana Street
Houston, TX 77002
Telephone: (713) 229-1234
Facsimile: (713) 229-1522

Kurt Pankratz
Bethany R. Salpietra
Megan LaDriere White
Baker Botts L.L.P.
kurt.pankratz@bakerbotts.com
bethany.salpietra@bakerbotts.com
megan.ladriere@bakerbotts.com
2001 Ross Ave., Ste. 900
Dallas, TX 75201
Telephone: (214) 953-6500
Facsimile: (214) 953-6503

Deron R. Dacus
The Dacus Firm, P.C.
ddacus@dacusfirm.com
821 ESE Loop 323, Suite 430
Tyler, Texas 75701



ATTORNEYS FOR DEFENDANT LYFT, INC.



### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on December 7, 2021, all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3).

Vincent J. Rubino, III
Vincent J. Rubino, III

#### **CERTIFICATE OF CONFERENCE**

The undersigned hereby certifies that all counsel of record have met and conferred in accordance with Local Rule CV-7(h) and this motion is unopposed with the parties agreeing to a further one-week extension of time for Plaintiff to respond.

/s/ Vincent J. Rubino, III
Vincent J. Rubino, III

