

**COMMONWEALTH OF KENTUCKY
SUPREME COURT
2009-SC-000043**

**COMMONWEALTH OF KENTUCKY
J. MICHAEL BROWN, SECRETARY, JUSTICE
AND PUBLIC SAFETY CABINET**

APPELLANT

V.

**INTERACTIVE MEDIA ENTERTAINMENT & GAMING
ASSOCIATION, INC., *et al.***

APPELLEES

**ON APPEAL FROM
COURT OF APPEALS
ORIGINAL ACTION NOS. 2008-CA-002019; 2008-CA-002000; 2008-CA-002036**

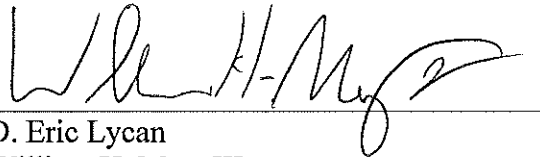
**ORIGINAL ACTIONS ARISING FROM
FRANKLIN CIRCUIT COURT, DIVISION II
CIVIL ACTION NO. 08-CI-1049
HON. THOMAS D. WINGATE, JUDGE**

MOTION FOR ENLARGEMENT OF TIME

Comes now the Appellant, the Commonwealth of Kentucky ex rel J. Michael Brown, Secretary, Justice and Public Safety Cabinet, by and through counsel, and moves this Honorable Court for enlargement of time pursuant to CR 6.02 and 76.40, in order to file a Reply Brief in this action. Copies of the Reply Brief of the Commonwealth are tendered herewith.

In support of its Motion, the Commonwealth submits that it mistakenly believed that the last Appellee Brief was filed on June 3, 2009 and thus calculated a due date for the filing of a Reply Brief in this action on Thursday, June 18, 2009, only to be informed by the Clerk of this Court that such Reply Brief was due on June 17, 2009. In this action, ten separate parties have sought to participate in this litigation as *amicus curiae* parties,

with many such motions still pending, and numerous parties currently litigating this case as Appellees. It is clear that this Court would be benefited having all of the issues on behalf of the Commonwealth, in a case of this magnitude, fully presented for final adjudication on all issues. The Commonwealth regrets any inconvenience to the Court but asserts that its submission of the Reply Brief on June 18 was excusable neglect.



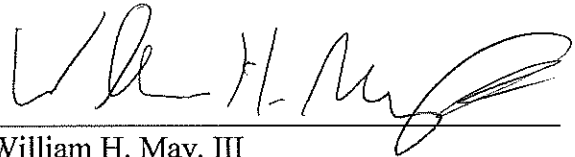
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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing Brief for Appellants was served by First Class U.S. Mail, postage prepaid, upon Clerk, Court of Appeals, 360 Democrat Drive, Frankfort, Kentucky 40601; Hon. John L. Tate, Hon. Ian T. Ramsey, Hon. Joel T. Beres, Stites & Harbison, PLLC, 400 West Market Street, Suite 1800, Louisville, KY 40202-3352, Hon. Bruce F. Clark, Stites & Harbison, PLLC, 421 West Main Street, Frankfort, KY 40601, and Hon. A. Jeff Ifrah, Hon. Jerry Stouck, Greenberg Traurig, LLP, Suite 1000, 2101 L. Street, N.W., Washington, D.C. 20037, *Counsel for Interactive Gaming Council and vicsbingo.com*; Hon. Thomas Wingate, Judge, Franklin Circuit Court, P.O. Box 40601-0678, Frankfort, KY 40601-0678, *Appellee*; Hon. William E. Johnson, Johnson, True & Guarnieri, LLP, 326 West Main Street, Frankfort, KY 40601, Hon. Patrick T. O'Brien, Greenberg Traurig, 401 East Las Olas Boulevard, Suite 2000, Fort Lauderdale, FL 33301, and Hon. Kevin D. Finger, Hon. Paul D. McGrady, Greenberg Traurig, LLP, 77 West Wacker Drive, Suite 2500, Chicago, IL 60601, *Counsel for Domain Defendants playersonly.com, sportsbook.com, sportsinteraction.com, mysportsbook.com, and linesmaker.com*; Hon. Jon L. Fleischaker, Hon. R. Kenyon Meyer, Hon. James L. Adams, Dinsmore & Shohl, LLP, 1400 PNC Plaza, 500 West Jefferson Street, Louisville, KY 40202, Hon. Edward James Leyden, Hollrah Leyden, LLC, 1850 K Street, N.W., International Square, Suite 390, Washington, D.C. 20006, *Counsel For Interactive Media Entertainment & Gaming Association, Inc.*, and Phillip D. Scott, Greenebaum Doll & McDonald, Suite 1100, 300 W. Vine Street, Lexington, Kentucky 40507 and Margaret E. Keane, Greenebaum Doll & McDonald PLLC, 3500 National City Tower, 101 South Fifth Street, Louisville, Kentucky 40202, *Counsel for vicsbingo.com and Interactive Gaming Council*, this 18th day of June, 2009.



William H. May, III
Attorney for Commonwealth