

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

| | | |
|-------------|---|-------------------------------|
| GUAVA, LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civ. A. No. 1:12-cv-11880-FDS |
| |) | |
| JOHN DOE, |) | |
| |) | |
| Defendants. |) | |

**AGREED MOTION FOR LEAVE TO FILE A REPLY TO PLAINTIFF’S RESPONSE TO
MOTION FOR COSTS, STAY OF PROCEEDINGS, AND PROTECTIVE ORDER**

Pursuant to Local Rule 7.1(b)(3), Defendants 209.6.50.65, 209.6.72.13 and 66.189.69.147 (collectively, “Defendants”) respectfully seek leave to file a reply of 10 pages in response to certain arguments raised in Plaintiff Guava, LLC’s (“Plaintiff”) Response (ECF No. 9) to Defendants’ Motion for Costs, Stay of Proceedings, and Protective Order (ECF No. 7). Defendants’ proposed reply, attached hereto, would address Plaintiff’s arguments that Defendants are not defendants in this action, are not entitled to relief under Rule 41(d) because they were not sufficiently identified as defendants in a previous action, and are not entitled to relief under Rule 26(c) because Defendants are neither parties nor persons from whom discovery is sought.

Defendants believe this brief will assist the Court in its analysis of the issues raised in Plaintiff’s Response. Plaintiff has agreed to this motion for leave to file. Should the Court grant leave to file, Defendants propose to file their reply within five days of notice of the Court’s grant.

WHEREFORE, Defendants 209.6.50.65, 209.6.72.13 and 66.189.69.147 respectfully seek leave to file the attached reply to Plaintiff Guava, LLC’s Response.

Respectfully submitted by counsel for Defendants 209.6.50.65, 209.6.72.13 and 66.189.69.147,

Dated: January 10, 2013

/s/ Daniel G. Booth

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CERTIFICATION PURSUANT TO FED. R. CIV. P. 26(c)(1) AND LOCAL RULE 7.1(a)(2)

I, Dan Booth, hereby certify that on January 10, 2013, I corresponded with counsel for Plaintiff Guava, LLC, in a good faith attempt to resolve or narrow the issues raised in this motion. Plaintiff agreed to my request to file a ten-page reply to Plaintiff's Response.

/s/ Daniel G. Booth

CERTIFICATE OF SERVICE

I hereby certify that on this January 10, 2013, I electronically filed the foregoing Agreed Motion for Leave to File a Reply to Plaintiff's Response to Motion for Costs, Stay of Proceedings, and Protective Order, and the proposed reply attached hereto, by using the Court's ECF system, thereby causing a true copy thereof to be served upon counsel of record for Plaintiff as identified on the Notice of Electronic Filing.

/s/ Daniel G. Booth