

APPELLATE COURT OF ILLINOIS  
FIRST DISTRICT, THIRD DIVISION

LISA STONE, mother and next friend of Jed )  
Stone, a minor, )  
 )  
Petitioner-Appellee, )  
 )  
v. )  
 )  
PADDOCK PUBLICATIONS, INC., )  
d/b/a The Daily Herald, Inc. )  
 )  
Respondent, )  
 )  
and )  
 )  
JOHN DOE, )  
 )  
Intervener-Appellant )

No. 1-09-3386

Appeal from the Circuit Court of  
County, No. 09 L 5636  
Hon. Jeffrey Lawrence

STEPHEN M. RAYD  
CLERK OF COURT

2010 APR -5 PM 4:18

FILED APPELLATE COURT  
1ST DIST.

**APPELLEE'S MOTION TO EXTEND TIME  
TO FILE RESPONSE BRIEF**

Petitioner-appellee, Lisa Stone ("Appellee"), through her attorneys, pursuant to Ill. Sup. Ct. Rule 343(c) and 361(f), hereby requests that the Court extend the time for filing of her Response Brief and Appendix in this appeal by twenty-one days. In support of her Motion, Appellee represents as follows:

1. This appeal emanates from the trial court's granting of an order requiring disclosure of the identity of an internet service subscriber from whose home or place of business certain postings were made about Appellee's fifteen-year-old son on a website maintained by Respondent Paddock Publications, Inc., which is not a party to this appeal. The trial court stayed its order pending appeal as permitted by Ill. Sup. Ct. Rule 305(b). Intervener-Appellant John Doe ("Appellant"), the internet service subscriber in question, moved to quash a subpoena issued to his internet service provider, Comcast Communications, Inc., and the trial court denied his motion.

2. Under Illinois Supreme Court Rule 343(a), the brief of Appellant Doe was due in this Court no later than March 8, 2010, or thirty-five days from the date of filing of the record of appeal. Appellant Doe filed his brief within the time permitted.

3. On March 31, 2010, the Court granted the Electronic Freedom Foundation and The Media Freedom and Information Access Practicum leave to file a brief as Amici Curiae.

4. Amici Curiae raise in this Court a number of arguments which were not raised in the trial court by Appellant Doe and which require more careful and detailed analysis than was required in the briefing in the trial court. According to Amici Curiae, the final order entered by the trial court raises important issues under the First Amendment to the United States Constitution and, they maintain, by necessary implication, under the freedom of speech provisions of Art. I, § 4 of the Illinois Constitution of 1970.

5. While Doe also maintained in the trial court that there were First Amendment considerations which mitigated against the trial court's entry of its order compelling disclosure of his identity, his arguments were not made on the same bases as have been asserted by Amici Curiae.

6. Under Ill. Sup. Ct. Rule 343(a), the time for filing of Appellee's Response Brief is set at thirty-five days from the filing of Appellant's and Amici Curiae's Briefs. That time, by operation of the rule, expires on April 12, 2010.

7. The issues raised in this appeal are almost exclusively issues of law. Because Appellant Doe filed his notice of appeal on December 7, 2009, he and Amici Curiae have had thirty additional days to prepare their briefs than might be suggested by the filing of the record on appeal.

8. Appellee Stone believes that she cannot address the arguments made by Amici Curiae within the time normally fixed by Rule 343(c). Furthermore, on March 15, 2010, the Court of

Appeals, Second District, issued its decision in *D.C. v. R.R.*, No. B207869, and addressed several of the arguments raised by Appellant Doe and Amici Curiae, particularly those arguments which relate to derogatory comments and statements posted on Internet web sites during political campaigns. Appellee believes that incorporating the analysis and arguments in that decision will assist that Court.

9. Appellee's review of the record on appeal in this case indicates that the record contains only about sixty percent of the materials filed in the trial court. Appellee has not been able to determine as yet the extent, if any, to which she must augment the record on appeal.

10. This request for additional time is not made for purposes of delay but is instead submitted so that Appellee can properly and succinctly address the arguments raised by Appellant Doe and Amici Curiae.

11. Appellee Stone is informed and believes that neither Appellant Doe nor Amici Curiae will be prejudiced if the Court grants Appellee's request for additional time. Under customary practice, Amici Curiae are not permitted to file reply briefs. The only party who would be prejudiced by any delay, if at all, is Appellee.

12. Under penalty of perjury as provided by ILCS 5/1-109, the undersigned affirms that the foregoing statements are true, except as to such matters as are stated on information and belief, and, as to such matters, the undersigned affirms as aforesaid that he actually is informed as he represents and that he truly believes such information to be true.

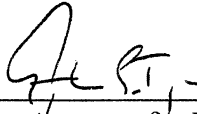
For the foregoing reasons, Petitioner-Appellee Lisa Stone

A. Extend the time for Appellee to file her Response Brief and Appendix in this appeal by twenty-one days to May 3, 2010; and

B. Grant Appellee such other and further relief as the Court deems to be appropriate.

Dated: April 5, 2010

LISA STONE, mother and next friend of Jed Stone, a  
minor

By:   
\_\_\_\_\_  
Attorney for Petitioner-Appellee

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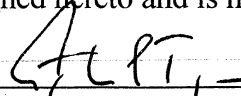
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d/b/a The Daily Herald, Inc. )	
)	
Respondent, )	
)	
and )	
)	
JOHN DOE, )	
)	
Intervenor-Appellant )	

**NOTICE OF FILING**

To: Michael D. Furlong, Esq.	Kevin A. Thompson, Esq.
Peter M. Trobe, Esq.	Davis McGrath, L.L.C.
Trobe, Babowice & Associates, L.L.C.	125 South Wacker Drive, Suite 1700
404 West Water Street	Chicago, Illinois 60606
Waukegan, Illinois 60085	

PLEASE TAKE NOTICE that on the 5<sup>th</sup> day of April 2010 I filed with the Clerk of the Illinois Appellate Court for the First District Appellee Lisa Stone's Motion to Extend Time to File Appellee Brief and Appendix, a copy of which is attached hereto and is hereby served on you.

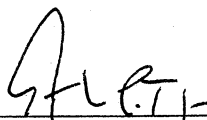
  
\_\_\_\_\_  
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Chicago, Illinois 60602-4648  
(312) 372-3920

Attorney for Petitioner-Appellee Lisa Stone

**Certificate of Service**

Under penalty of perjury as provided by 735 ILCS 1/109, the undersigned, an attorney of record in this cause, hereby affirms that he caused true and accurate copies of this document and of

the document to which it refers to be served on the persons to whom this Notice is directed by placing the same in a properly addressed envelope, with proper postage affixed thereto, and depositing the envelope in a United States Postal Service receptacle at 105 West Madison Street, Suite 2200, Chicago, Illinois on April 5, 2010.



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Stephen L. Tyma