

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

FILED APPELLATE COURT
10 JUL 21 PM 1:49
LEWIS & CLARK COURT

**MOTION TO EXTEND TIME TO FILE
APPELLEE BRIEF AND APPENDIX**

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 her Response Brief and Appendix in this appeal. 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. Before Appellee’s Rule 224 petition was filed in the trial court, a Rule 224 petition

which involved issues very similar to those in the present case had been denied in the Circuit Court of La Salle County in *Donald Maxon, et. al., v. Ottawa Publishing Co.*, No. 2008 MR 125. In the trial court in the present matter, the Intervener-Appellant (who incorrectly identifies himself in this Court as the “Respondent-Appellant”) relied heavily on the statements made by Judge Daugherty in his decision to deny the Rule 224 petition in *Maxon*.

3. The unsuccessful petitioners in the *Maxon* case appealed the denial of their Rule 224 petition, and the appeal was argued in the Illinois Appellate Court for the Third District and a decision in the *Maxon* appeal was pending by the time Judge Lawrence made his ruling in the present case in November 2009.

4. At the time Appellee was to have filed her initial brief in this matter, her counsel were informed that a decision in the *Maxon* appeal was imminent. Because she believed that the decision of the Third District was likely to be instructive on issues raised in the present appeal, Appellant elected to delay filing of her Response brief until the Third District issued its decision and opinion in *Maxon*. The Third District issued its opinion on June 1, 2010. *Maxon v. Ottawa Pub. Co.*, --- Ill. App.3d ----, 2010 WL 2245065 (3rd Dist., No. 03-08-0805, June 1, 2010). The time for filing a petition for leave to appeal in *Maxon* did not expire until approximately July 6, 2010, and the Third District did not issue its mandate in the case until July 19, 2010.

5. Intervener-appellant has made arguments under Illinois’s so-called “anti-SLAPP suit” statute, the Citizen Participation Act, 735 ILCS 110/1, *et seq.* The jurisprudence of state anti-SLAPP statutes around the country is rapidly developing and evolving, and Appellee has attempted to review and argue from current case law. *See, e.g., Simpson Strong-Tie Company, Inc. v. Gore*, No. S164174 (Cal. Sup. Ct., May 17, 2010).

6. 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.

7. 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.

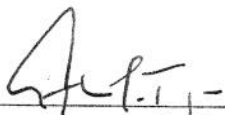
For the foregoing reasons, Petitioner-Appellee Lisa Stone

A. Extend the time for Appellee to file her Response Brief and Appendix in this appeal and grant her leave to file these materials on July 28, 2010; and

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

Dated: July 21, 2010

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

By: 
Attorney for Petitioner-Appellee

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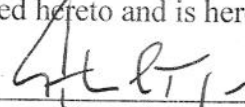
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Intervenor-Appellant)	

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
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Waukegan, Illinois 60085-5528	

PLEASE TAKE NOTICE that on the 21st 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.



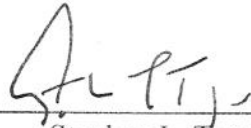
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Attorney for Petitioner-Appellee Lisa Stone

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 July 21, 2010.



Stephen L. Tyma