

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

OPEN RIVERS MEDIA GROUP INC. )  
D/B/A OPEN RIVERS PICTURES, )  
ALVIN WILLIAMS, AND TAMMY )  
WILLIAMS, )  
 )  
 )  
Plaintiffs, )

v. )

CIVIL ACTION  
NO. 1:15-cv-00724-SCJ

SOUTHERN FILM REGIONAL )  
CENTER LLC, DOMINIC “NIC” )  
APPLEGATE, GATE INDUSTRIES LLC, )  
MAURICE ANDERSON, RATLIFF )  
ENTERTAINMENT LLC, AND )  
THEOPHALUS RATLIFF, )  
 )  
 )  
Defendants. )

**DEFENDANTS’ MOTION FOR LEAVE TO FILE REPLY BRIEF IN  
SUPPORT OF “DEFENDANTS’ EMERGENCY MOTION AND REQUEST  
FOR IMMEDIATE RULING ON THEIR MOTION FOR LEAVE OF  
COURT TO FILE COUNTERCLAIMS”**

Defendants file this Motion for the limited purpose of responding a misstatement of law contained in “Plaintiffs’ Opposition to Emergency Motion to File Counterclaims” [Dkt. No. 21] (“Plaintiffs’ Opposition Brief”).

Plaintiffs’ Opposition Brief argues that Defendants should have no current concern about filing counterclaims within the applicable statutes of limitations for the

counterclaims that Defendants have identified. In support of this statement, Plaintiffs argue that Defendants' Counterclaims I and II are "U.S. Securities Violations" with a "2 year statute of limitations." (Plaintiffs' Opposition Brief, p. 4.)

This is an incorrect statement of the law, because Counterclaim II seeks relief under Section 12(a)(2) of the Securities Act of 1933 (15 U.S.C. § 771(a)(2). Counterclaim II is subject to the *one*-year statute of limitations stated in 15 U.S.C. §771(m); *see, e.g. Merrill Lynch & Co., Research Reports Sec. Litig.*, 289 F. Supp. 2d 429, 432-33 (S.D.N.Y. 2003).

Furthermore, Defendants note that Plaintiffs failed to file Plaintiffs' Opposition Brief by the 12:00 p.m. deadline set in the Court's Minute Order.

Respectfully submitted this 26<sup>th</sup> day of May, 2015.

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/s/ Thomas C. Grant  
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**CERTIFICATE OF SERVICE**

I have this day filed the foregoing **Defendants’ Motion for Leave to File Reply Brief in Support of “Defendants’ Emergency Motion and Request for Immediate Ruling on Their Motion for Leave of Court to File Counterclaims”** using the CM/ECF system and served a copy of same upon all parties to this matter by depositing a true and correct copy of the same via regular mail, addressed as follows:

Daniel Kane  
Daniel Kane, P.C. & Associates  
133 Nassau Street  
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Christopher L. Brown  
Brown & Rosen LLC  
100 State Street, Ste. 900  
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This 26<sup>th</sup> day of May, 2015.

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