UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

PAMELA D. MCNEIL and JAMES K. CANTWIL, class representatives on behalf of themselves and others similarly situated,	)	
Plaintiffs,	)	Case No. 1:09-cv-04443
v.	)	Hon. Samuel Der-Yeghiayan
IKO MANUFACTURING, INC., a Delaware Corporation, IKO INDUSTRIES, LTD., a Canadian corporation, IKO SALES, LTD., a Canadian corporation, IKO PACIFIC, INC., a Washington corporation, and IKO CHICAGO, INC., an Illinois corporation,	)	
Defendants.	)	

UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO
ANSWER OR OTHERWISE RESPOND TO PLAINTIFFS' COMPLAINT

Defendants IKO Manufacturing, Inc., IKO Pacific, Inc., and IKO Chicago, Inc. (collectively, "IKO") respectfully request that this Court grant them an extension of time to file an answer or otherwise respond to Plaintiffs' Complaint. In support, IKO states the following:

1. Plaintiffs filed their Complaint on July 24, 2009. (Dkt. No. 3). IKO was served with the Complaint on August 4, 2009. (Dkt. Nos. 9-11).

2. In their Complaint, Plaintiffs alleged a wide-reaching consumer class action "on behalf of all persons and entities who purchased IKO shingles." (Cmplt. ¶ 1).

3. The Complaint is similar, if not identical, to other complaints filed in other federal courts. *See Zanetti v. IKO Manufacturing, Inc.*, No. 2:09-cv-2017 (D.N.J. filed April 29, 2009); *Michael Hight and Michael Augustine v. IKO Manufacturing, Inc.* et al, No. 2:09-cv-00887 (W.D. Wa. filed June 26, 2009); *Gerald P. Czuba v. IKO Manufacturing, Inc.* et al, No. 09-cv-

0409 (W.D.N.Y. filed April 29, 2009).

4. On August 6, 2009, IKO filed a motion before the Judicial Panel on Multidistrict Litigation seeking to consolidate these various actions before this Court. *See Motion to Transfer to the Northern District of Illinois and Memorandum in Support*, attached hereto as Exhibit A. Accordingly, IKO respectfully requests at this time for an Order deferring the time to answer or otherwise respond to Plaintiffs' Complaint until thirty (30) days after the Judicial Panel on Multidistrict Litigation has issued its ruling on the location of the consolidated cases. Such an extension will avoid the expenditure of judicial resources and effort until such time as the Judicial Panel on Multidistrict Litigation determines the appropriate forum in which these matters are to be consolidated for pretrial proceedings. A proposed order is attached.

5. IKO's counsel has contacted the attorneys for Plaintiffs and is advised that the Plaintiffs consent to the relief requested herein.

6. IKO has not previously sought an extension in this matter.

7. This Motion is made without waiver of any defenses, including but not limited to lack of personal jurisdiction.

WHEREFORE, Defendants IKO Manufacturing, Inc., IKO Pacific, Inc., and IKO Chicago, Inc. request that this Court grant it an Order deferring the time to answer or otherwise respond to Plaintiffs' Amended Complaint until thirty (30) days after the Judicial Panel on Multidistrict Litigation has issued its ruling on the location of the consolidated cases.

DATED: August 10, 2009

Respectfully submitted,

EIMER STAHL KLEVORN
& SOLBERG LLP

By: _____

Nathan P. Eimer
Andrew G. Klevorn
John K. Theis
224 South Michigan, Suite 1100
Chicago, Illinois 60604
(312) 660-7600; (312) 692-1718 fax
neimer@eimerstahl.com
klevorn@eimerstahl.com
jtheis@eimerstahl.com

Attorneys for Defendants,
IKO MANUFACTURING, INC.,
IKO PACIFIC, INC.
IKO CHICAGO, INC.