



Government Granted Extension to Answer CAN-SPAM Defendants' Opening Appellate Brief

The deadline for the Government's response is Nov. 13, 2008.

By: Justin Bourne

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After examining Jeffrey Kilbride and James Schaffer's [opening brief on appeal](#) of their unprecedented convictions for spamming and obscenity, the U.S. Attorney's office sought and was awarded an extension of time to file the Government's one and only response. The deadline for that response is now Nov. 13, 2008.

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Schaffer and Kilbride represent the first convictions in the Ninth Circuit for Internet obscenity not involving child pornography and the first convictions ever under the Federal CAN-SPAM Act. [After hiring The Kaufman Law Group and Piccionelli and Sarno](#) back in November of 2007, both Schaffer and Kilbride were granted bail pending appeal. Schaffer and Kilbride's [opening appellate brief](#) was filed on July 16, 2008.

Mr. Schaffer's attorney, [Gary Jay Kaufman](#) of [The Kaufman Law Group](#) is confident in the outcome.

"We, of course, do not oppose any extension that the Government may seek in this case," Kaufman told [AVN Online](#). "The facts are not going to change and we are confident the Ninth Circuit will reverse these erroneous convictions."

Mr. Kilbride's attorney, Greg Piccionelli of Piccionelli and Sarno, feels the Government is taking this case very seriously.

"They know that this case may very well change the law on obscenity and, in turn, the Government's entire strategy in bringing obscenity prosecutions," he said.

[Colin Hardacre](#), also of [The Kaufman Law Group](#), told AVN Online that he also anticipates a change in the law.

"The simple fact is that the Miller test has become unworkable in the Internet age. Just as the

horse and buggy gave way to the automobile, local community standards must give way to a national standard for obscenity on the Internet. The significance of this case for the adult industry cannot be understated."