

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 15-CV-22452-KMM

DENNIS MONTGOMERY,

Plaintiff,

vs.

AMERICAN CIVIL LIBERTIES UNION
FOUNDATION, et al.,

Defendants.

DEFENDANTS' UNOPPOSED MOTION TO EXCEED PAGE LIMIT

Defendants American Civil Liberties Union Foundation (“ACLUF”), Susan Herman, Cecillia Wang, Daniel Pochoda, Michael German, Andre Segura, and Joshua Bendor (collectively “defendants”), by and through counsel, seek permission to exceed the page limit prescribed by Local Rule 7.1(c)(2) for their forthcoming motion to dismiss plaintiff Dennis Montgomery’s complaint.

1. On June 30, 2015, plaintiff filed a 110 paragraph complaint against the seven defendants listed above, alleging multiple causes of action, and undersigned counsel intends to move for dismissal on behalf of all seven defendants through a single set of motion papers.

2. The draft memorandum of law is fairly well advanced, and has been very rigorously cut in length already, and counsel have reached the conclusion that it is impossible to adequately present the appropriate arguments in a fashion that would be useful to the Court under the existing page limits. In order to ensure that the parties have the necessary opportunity to inform the Court of the salient factual and legal arguments related to the sufficiency of the complaint, especially in light of the number of defendants and the complaint’s relative

complexity, defendants request the following extensions to the page limits prescribed by the local rules:

3. The unopposed motion seeks to extend by six (6) pages both defendants' memorandum of law accompanying the motion to dismiss and plaintiff's opposing memorandum of law, so that these memoranda would be limited to twenty six (26) pages in length each.

4. As per Local Rule 7.1(c)(2), title pages preceding the first page of text, signature pages, certificates of good faith conferences and certificates of service shall not be counted as pages for the purposes of page limits.

5. On August 3 and 4, 2015 Mr. Browning and Mr. Sims, undersigned counsel for defendants, contacted Mr. Klayman, plaintiff's counsel, by email. Mr. Klayman indicated that he consents to the page-limit extensions proposed above.

CERTIFICATE OF GOOD FAITH CONFERENCE

Pursuant to Local Rule 7.1(a)(3)(A), I hereby certify that, as described more fully in the motion itself, counsel for the movant has conferred with counsel for the plaintiff and successfully made a good faith effort to resolve the issues raised in the motion. Plaintiff's counsel does not oppose this motion to exceed the page limits by the stated amount.

Date: August 4, 2015

Respectfully submitted,

/s/ Jonathan Galler

Jonathan Galler, Esq. (FBN 0037489)

Email: jgaller@proskauer.com

PROSKAUER ROSE LLP

2255 Glades Road

Suite 421 Atrium

Boca Raton, FL 33431-7360

(561) 241-7400

(562) 241-7145 (facsimile)

Charles S. Sims, Esq. (*pro hac vice*)

csims@proskauer.com

John M. Browning, Esq. (*pro hac vice*)

jbrowning@proskauer.com
PROSKAUER ROSE LLP
Eleven Times Square
New York, NY 10036
Phone: (212) 969-3000
Fax: (212) 969-2900

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on August 4, 2015, I electronically filed the foregoing document with the Clerk of the Court by using the CM/ECF system. I also certify that the foregoing document is being served this day on the below counsel of record via transmission of Notices of Electronic Filing generated by CM/ECF.

/s/ Jonathan Galler

Jonathan Galler, Esq.

SERVICE LIST

Larry Elliot Klayman , Esq.
Klayman Law Firm
2520 Coral Way
Suite 2027
Miami, FL 33145
Tel: (310) 595-0800
Fax: (310) 275-3276
Email: leklayman@gmail.com