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5 Attorneys for Defendants
 6 RelyNet, Inc. and Michael DiCarlo

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8 **UNITED STATES DISTRICT COURT**
 9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

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DUSTIN K. ADLER, an individual,

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Plaintiff,

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v.

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14 RELYNET, INC. a California corporation and
 MICHAEL DICARLO, an individual,
 INTERNET BRANDS, INC., a Delaware
 Corporation, INTERMEDIA OUTDOORS,
 15 INC., a Delaware Corporation, VORTEX
 16 MEDIA GROUP, INC., a Delaware
 Corporation and DOES 1 through 50,
 17 inclusively,

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Defendants.

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20 RELYNET, INC., a California Corporation,
 MICHAEL DICARLO, an individual,

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Counterclaimants,

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v.

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DUSTIN K. ADLER, an individual,

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Counterdefendant.

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DEFENDANTS MICHAEL DICARLO AND RELYNET, INC. hereby request

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permission to file a combined memorandum of points and authorities in support of their

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motions for judgment as a matter of law under Rule 50 and for new trial under Rule 59.

CASE NO. 2-08-CV-01333-JAM-EFB

**EX PARTE APPLICATION BY
 DEFENDANTS RELYNET, INC. AND
 MICHAEL DICARLO TO EXCEED 25-
 PAGE LIMIT FOR MOTIONS; ORDER
 THEREON**

Trial Date: January 25, 2010
 Time: 9:00 a.m.
 Courtroom: 6

Hearing Date: April 7, 2010
 Time: 9:30 a.m.
 Courtroom: 6

1 The memorandum of points and authorities is a little less than 26 pages, while the page-
2 limit contained in the Court's August 20, 2008 scheduling order is 25 pages. The reasons
3 for this request are as follows:

4 1. For the sake of convenience to the Court the defendants have combined
5 their Rule 50 and Rule 59 motions into a single motion and single memorandum of points
6 and authorities. The defendants have attempted to comply with that portion of the Court's
7 August 20, 2008 scheduling order which forbids parties from avoiding the filing of an
8 excessively long brief by filing multiple motion papers, but the result is that the brief is a
9 page too long.

10 2. The memorandum of points and authorities refers to the entire trial record,
11 including exhibits and witness testimony, and separately recites the relevant evidence at
12 trial, for the sake of clarity and including as many of the relevant facts in a single pleading
13 as possible.

14 3. The memorandum of points and authorities concerns multiple significant
15 legal issues and questions, and there is a significant body of precedent and authority,
16 especially on the questions of estoppel and co-ownership, to discuss.

17 4. The memorandum exceeds the page limit by only one page.

18 5. Exceeding the page limit in this instance by one page will not cause
19 excessive hardship or vexation to any party or to the court and is warranted by the
20 significance and complexity of the issues.

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22 DATED: March 3, 2010

DAVIS & LEONARD LLP

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/s/Stephen L. Davis

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Stephen L. Davis
DAVIS & LEONARD, LLP
Attorneys for RelyNet, Inc. and
Michael DiCarlo

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ORDER

Defendants having applied for permission to file a brief that exceeds the court's 25-
page limit by one page, and good cause having been shown, Defendants' request is
GRANTED.

Dated: March 4, 2010

/s/ John A. Mendez
Judge John A. Mendez
United States District Court Judge