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10 [Additional counsel appearing on signature page]

11 *Attorneys for Plaintiffs and the Putative Class*

12  
 13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15	NICOLE PIMENTAL and JESSICA	)	Case No. 11-cv-02585-SBA
16	FRANKLIN, individually and on behalf of all	)	
17	others similarly situated,	)	
18		)	<b>PLAINTIFFS' ADMINISTRATIVE</b>
19	Plaintiff,	)	<b>MOTION FOR LEAVE TO FILE AN</b>
20		)	<b>OVERSIZED BRIEF</b>
21	v.	)	
22		)	
23	GOOGLE, INC., a Delaware corporation, and	)	
24	SLIDE, INC., a Delaware corporation,	)	
25		)	
26	Defendants.	)	

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 28 PLAINTIFFS' ADMINISTRATIVE MOTION FOR  
 LEAVE TO FILE AN OVERSIZED BRIEF

1 Plaintiffs Nicole Pimental and Jessica Franklin (collectively “Plaintiffs”), respectfully  
2 move this Court under Local Rule 7-11 for leave to file their Opposition to Defendants’  
3 Motion to Dismiss in excess of the Court’s fifteen-page limitation.<sup>1</sup> In support thereof,  
4 Plaintiffs state as follows:

5 1. Plaintiffs filed their Consolidated Class Action Complaint on September 14,  
6 2011, alleging a cause of action under the Telephone Consumer Protection Act (47 U.S.C. §  
7 227) (“TCPA”). (Dkt. No. 24.)

8 2. On October 14, 2011, Defendants filed their Motion to Dismiss. (Dkt. No.  
9 29.) The hearing on Defendants’ Motion to Dismiss is presently set for February 28, 2012.

10 3. Defendants’ Motion seeks dismissal of Plaintiffs’ Complaint on numerous  
11 grounds, including: (1) that Plaintiffs did not sufficiently plead the necessary elements under  
12 the TCPA; (2) that the TCPA as applied in this case would violate the First Amendment; (3)  
13 that legislative history and FCC regulations do not support application of the TCPA to  
14 noncommercial text messages; (4) that the TCPA is not narrowly tailored; and (5) that  
15 application of the TCPA to the facts in this case would foreclose alternative channels of  
16 speech.

17 4. Pursuant to Local Rule 7-4(b), an opposition to a motion to dismiss may be up  
18 to twenty-five pages.

19 5. Pursuant to this Court’s Standing Order, an opposition to a motion to dismiss  
20 is limited to fifteen pages.

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24 <sup>1</sup> Plaintiffs acknowledge that this administrative motion is untimely and should have  
25 been filed prior to or concurrently with Plaintiffs’ Opposition. Plaintiffs’ respectfully request  
26 that, in light of Plaintiffs’ good faith error in not timely requesting leave to file an oversized  
27 brief, and that the hearing on Defendants’ Motion is over two months away, the Court use its  
discretion to consider Plaintiffs’ request to file an oversized brief subsequent to Plaintiffs  
filing their Opposition. (Dkt. No. 40.)



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**CERTIFICATE OF SERVICE**

I, Rafey S. Balabanian, an attorney, certify that on December 7, 2011, I served the above and foregoing *Administrative Motion for Leave to File an Oversized Brief*, by causing true and accurate copies of such paper to be filed with the Court and transmitted to all counsel of record via the Court's CM/ECF electronic filing system.

/s/ Rafey S. Balabanian