

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 10-CV-01546-REB-CBS

The Direct Marketing Association,

Plaintiff,

v.

Roxy Huber, in her capacity as Executive  
Director, Colorado Department of Revenue,

Defendant.

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**PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMITATION  
IN REPLY TO DEFENDANT'S RESPONSE IN OPPOSITION TO PLAINTIFF'S  
MOTION FOR A PRELIMINARY INJUNCTION [DOC. 50]**

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The Plaintiff, the Direct Marketing Association ("the DMA"), moves, without objection from the Defendant, for leave to exceed by five (5) pages the Court's page limitation for reply briefs set forth in REB Civ. Practice Standard V.B.1., in connection with the DMA's reply to Defendant's Response in Opposition to Plaintiff's Motion for a Preliminary Injunction [Doc. 50]. As grounds for this motion, the DMA states as follows:

1. This action concerns the constitutionality of the provisions of a new Colorado statute, House Bill 10-1193, "An Act Concerning The Collection Of Sales And Use Taxes On Sales Made By Out-Of-State Retailers, And Making An Appropriation Therefor" ("the Act"), and the regulations adopted by the Colorado Department of

Revenue (“Department”) to implement the Act, which impose notice and reporting requirements solely on out-of-state retailers who do not collect Colorado sales tax. In its motion, the DMA contends that the Act and regulations violate the Commerce Clause and will irreparably harm affected out-of-state retailers, warranting a preliminary injunction against enforcement of the law.

2. The DMA filed its Motion for a Preliminary Injunction on August 13, 2010. With leave of court, the DMA’s motion was 30 pages in length.

3. The Defendant filed her 30-page opposition to the DMA’s motion on November 19, 2010.

4. The DMA’s reply is due November 29, 2010.

5. In order for the DMA to respond to several legal and factual contentions of the Defendant raised for the first time in her opposition, the DMA requires a modest enlargement of the Court’s standard page limit for reply briefs from ten (10) pages to fifteen (15) pages.

6. Counsel for the DMA has conferred with counsel for the Defendant in accordance with D.C.COLO.LCivR. 7.1A., and the Defendant has no objection to the DMA’s motion. Thus the Defendant will not be prejudiced if the Court grants the DMA such relief.

7. The DMA will make every attempt to ensure that the DMA’s reply in support of its Motion for a Preliminary Injunction is concise and helpful to the Court’s evaluation on the Motion for a Preliminary Injunction.

8. In these circumstances, and given the complexity of the issues presented in this case and the significance of the Defendant's motion to further proceedings, the DMA respectfully submits that good cause exists for the allowance of its motion.

9. Pursuant to D.C.COLO.LCivR. 7.1F. and REB Civ. Practice Standard V.D.1., the DMA submits with this motion a proposed form of order regarding this unopposed motion.

WHEREFORE, the DMA requests this Court enter an Order granting it leave to file a reply to Defendant's opposition to Plaintiff's motion for a preliminary injunction **not to exceed fifteen (15) pages** in length.

Dated: November 23, 2010

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### **CERTIFICATE OF SERVICE**

I hereby certify that on November 23, 2010, I electronically filed the foregoing, Plaintiff's Unopposed Motion For Leave To Exceed Page Limitation In Reply to Defendant's Opposition to Plaintiff' Motion for a Preliminary Injunction [Doc. 50], with accompanying proposed order, using the CM/ECF system, which will send notification of such filing to counsel of record:

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