

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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**JOINT MOTION TO EXCEED PAGE LIMITATION FOR CROSS MOTIONS FOR  
SUMMARY JUDGMENT AND RESPONSES TO CROSS MOTIONS**

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The parties, by their respective undersigned counsel, respectfully move the Court for leave to exceed the Court's page limitation for motions for summary judgment and the responses to those motions. As grounds therefore, the parties state as follows:

1. Pursuant to D.C.COLO.LCivR. 7.1A, counsel for the parties conferred and file this motion jointly seeking the relief requested herein.
2. Plaintiff filed this suit challenging the constitutionality of a Colorado statute, HB 10-1193 (the "Act"), and alleging various constitutional violations, including two counts claiming that the statute and regulations promulgated pursuant to the Act violate the Commerce Clause.
3. Pursuant to agreement of the parties as proposed to the Court in their Joint Status Report and Proposed Order (Doc. #85) and subsequent Order Approving Proposed Briefing Schedule on Counts I and II and Staying Proceedings on Counts III

Through VIII (Doc. #91), the parties will be submitting cross motions for summary judgment on Counts I and II of Plaintiff's Amended Complaint. The Court's Order also provided that should the Court grant either motion for summary judgment, the Court will enter an order stating that the order and judgment are appropriate for an interlocutory appeal under 28 U.S.C. § 1292(b)..

3. Pursuant to REB Civ. Practice Standard V.I.4., motions for summary judgment and responses shall not exceed 20 pages.

4. Plaintiff asserts two distinct challenges to the Act under the Commerce Clause, one alleging discrimination and the other alleging improper and unduly burdensome regulation of interstate commerce. Because Plaintiff's Commerce Clause challenges present complex issues, good cause exists for a finite extension of the Court's page limitations on motions for summary judgment and responses.

WHEREFORE, the Parties respectfully request an Order granting an extension of the page limitation for their cross motions for summary judgment and their responses to said motions up to and including 30 pages.

Respectfully submitted this 3rd day of May 2011.

s/ Matthew P. Schaefer

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**CERTIFICATE OF SERVICE**

I hereby certify that on May 3, 2011, I electronically filed the foregoing **JOINT MOTION TO EXCEED PAGE LIMITATION FOR CROSS MOTIONS FOR SUMMARY JUDGMENT AND RESPONSES TO CROSS MOTIONS** with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following e-addresses:

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*Attorneys for Plaintiff*

*s/ Jack M. Wesoky*

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