

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

Case No. 1:10-cv-23235/HOEVELER

DAVID KARDONICK, JOHN DAVID, and
MICHAEL CLEMINS, individually and on
behalf of all others similarly situated and the
general public,

Plaintiffs,

v.

JPMORGAN CHASE & CO. and CHASE
BANK USA, N.A.

Defendants.

**CHASE'S MOTION FOR EXTENSION OF TIME TO FILE A REPLY
MEMORANDUM AND MOTION TO EXCEED PAGE LIMIT**

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Defendant Chase Bank USA, N.A. (“Chase”), by and through their undersigned counsel, hereby moves this Court for leave to file a single consolidated reply memorandum on October 25, 2012, rather than two separate reply memoranda due on two separate dates, in support of its motion for a show cause order. In support of this motion, Chase states as follows:

1. On September 26, 2012, Chase filed a motion for a show cause order requiring Respondents Golomb & Honik, P.C., and Baron & Budd, P.C., to show cause why they should not be held in contempt of the anti-suit injunction entered in this action.

2. On October 9, 2012, Respondent Golomb & Honik, P.C. filed an opposition to Chase’s motion for a show cause order. Under Local Rule 7.1(c), Chase is entitled to file and serve a reply memorandum of up to ten pages on or before October 19, 2012.

3. On October 12, 2012, Respondent Baron & Budd, P.C. filed an opposition to Chase’s motion for a show cause order. Under Local Rule 7.1(c), Chase is entitled to file and serve a reply memorandum of up to ten pages on or before October 22, 2012.

4. Chase respectfully moves this Court for leave to file a single consolidated reply memorandum of up to eighteen pages on or before October 25, 2012. The requested extension of time will permit Chase to analyze the issues raised in Respondents’ oppositions and prepare a more concise and useful reply memorandum for the benefit of the Court.

5. Pursuant to Local Rule 7.1(a)(3), counsel for Chase asked for Respondents’ consent to this motion by e-mail dated October 15, 2012. As of this writing, Baron & Budd has not responded. Golomb & Honik responded that the firm would consent to Chase’s request only if Chase would agree that Golomb & Honik may file a sur-reply.

6. Chase respectfully submits that the question of a sur-reply is premature before a reply has even been filed. Furthermore, Golomb & Honik’s request for permission to file a sur-reply

appears to reflect a misunderstanding of the show cause procedure. Consistent with Eleventh Circuit practice regarding enforcement of an injunction, Chase's motion seeks only an order directing Golomb & Honik (and Baron & Budd) to appear and show cause why they should not be sanctioned for violating this Court's injunction. Such show cause orders are often issued *ex parte* – without the filing of an opposition much less a sur-reply – because a show cause order by definition permits an opportunity to respond. Golomb & Honik's suggestion that the outcome of this motion should depend on Chase's consent to file a sur-reply is therefore mistaken.

7. This motion is made in the interest of justice, not to delay the proceedings, and will not prejudice any party.

WHEREFORE, Chase respectfully moves this Court to grant leave for Chase to file a single consolidated reply memorandum of up to eighteen pages on or before October 25, 2012. A proposed order granting this motion is attached hereto.

Dated: October 16, 2012

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16th day of October, 2012, I electronically filed Chase's Motion for Extension of Time to File a Reply Brief using the ECF system, which will send a notification of such filing to the counsel of record who have entered appearances in this action. In addition, I served a true and correct copy of Chase's Motion for Extension of Time to File a Reply Memorandum and Motion to Exceed Page Limit via e-mail on the following individuals:

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