

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
STEPHANIE HOFER and)	
DOUGLAS HOFER,)	Civil Action Docket No. 05-40170 FDS
)	
Plaintiffs,)	
)	
v.)	
)	
THE GAP, INC., EXPEDIA, INC.)	
and TURTLE BEACH TOWERS,)	
)	
Defendants.)	
)	
_____)	

DEFENDANT EXPEDIA, INC.’S
MOTION FOR LEAVE TO FILE A MEMORANDUM OF LAW IN SUPPORT
OF ITS MOTION FOR SUMMARY JUDGMENT IN EXCESS OF THE
PAGE LIMITS SET FORTH IN LR 7.1(B)(4)

The defendant Expedia, Inc. (“Expedia”), by and through its undersigned counsel, hereby prays this Honorable Court to permit it to file a Memorandum of Law in excess of the 20-page limit set forth in Local Rule 7.1(B)(4) in support of its Motion for Summary Judgment. As grounds for this motion, Expedia states as follows:

1. Concurrently with this motion, Expedia has electronically filed and served a Motion for Summary Judgment pursuant to Fed. R. Civ. P. 56(c), seeking dismissal of all claims made by the plaintiffs against Expedia.
2. In support of said motion, Expedia has electronically served and filed a Memorandum of Law in Support of Expedia’s Motion for Summary Judgment. Excluding the cover page, table of contents, certificate of service and exhibit attachments, the memorandum is 31 pages in length.

3. Expedia requires additional pages to properly present its summary judgment argument due to the detailed statement of facts contained therein, as well as the need to address several tangential issues which Expedia believes will be argued by the plaintiffs. Expedia believes that the full discussion of these issues is necessary for the Court to have a complete and accurate review of the law pertaining to travel agents and tour operators.
4. If the plaintiffs' opposition to Expedia's motion for summary judgment requires a similar number of additional pages, Expedia would have no objection to the plaintiffs seeking leave to file a memorandum of such length.

WHEREFORE, the defendant Expedia, Inc. respectfully requests leave to file its thirty-one page Memorandum of Law in Support of Defendant Expedia, Inc.'s Motion for Summary Judgment, as electronically filed concurrently herewith, and that the Court accept the same for consideration.

Respectfully submitted,
By the defendant
EXPEDIA, INC.,
By its attorneys,

/s/ Rodney E. Gould

Rodney E. Gould (BBO # 205420)
Email: rgould@rhglaw.com
Robert C. Mueller (BBO#567599)
Email: rmueller@rhglaw.com
RUBIN, HAY & GOULD, P.C.
205 Newbury Street
P.O. Box 786
Framingham, MA 01701-0202
Tel: (508) 875-5222
Fax: (508) 879-6803

DATED: February 16, 2007

CERTIFICATE OF SERVICE

I, Rodney E. Gould, hereby certify that this document, filed through the ECF system, will be served electronically upon the registered participants identified on the Notice of Electronic Filing (NEF) and will be served upon any non-registered participants, as indicated on the NEF, by paper copy sent via first-class mail, postage prepaid.

DATED: February 16, 2007

/s/ Rodney E. Gould

Rodney E. Gould