

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN**

ENTERTAINMENT SOFTWARE
ASSOCIATION, VIDEO SOFTWARE
DEALERS ASSOCIATION, and MICHIGAN
RETAILERS ASSOCIATION,

Plaintiffs,

vs.

JENNIFER M. GRANHOLM, in her official
capacity as Governor of the State of Michigan;
MICHAEL A. COX, in his official capacity as
Attorney General of the State of Michigan; and
KYM L. WORTHY in her official capacity as
Wayne County Prosecuting Attorney,

Defendants. /

BODMAN LLP

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and

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Case No: 02:05-cv-73634

Hon. George Caram Steeh

Magistrate Judge Steven D. Pepe

MICHIGAN DEPARTMENT OF
ATTORNEY GENERAL

By: Denise C. Barton (P41535)
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Jennifer A. Granholm and Attorney
General Michael A. Cox

**PLAINTIFFS' EX PARTE MOTION TO EXTEND PAGE LIMIT FOR PLAINTIFFS'
REPLY BRIEF IN SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs, by their undersigned attorneys, under E.D. Mich. L.R. 7.1, move this Court to extend the page limit for plaintiffs' reply brief in support of their motion for preliminary injunction to 10 pages. In support, plaintiffs state as follows:

1. On September 26, 2005 the plaintiffs filed a motion for preliminary injunction. The brief in support of this motion was 20 pages, in compliance with E.D. Mich. L.R. 7.1.
2. On October 17, 2005 defendants filed a 33-page response to plaintiffs' motion for a preliminary injunction. They did so even though the Court had not granted leave for them to file a brief in excess of the 20 page limit provided for in E.D. Mich. L.R. 7.1.
3. Defendants' response brief was electronically filed along with documents that numbered approximately 500 pages.
4. The table of contents to the appendix listed 94 documents. Of the listed documents, only 15 were actually electronically filed.
5. Defendants' response brief raises numerous issues of constitutional law, and references numerous exhibits, including a multitude of scientific articles that have been placed before the Court. The State relies on its voluminous exhibits for many of their assertions on the merits, and plaintiffs would like to respond to these assertions – and the exhibits – in their reply brief.
6. The 5-page limit for reply briefs provided in E.D. Mich. L.R. 7.1 does not allow plaintiffs to meaningfully respond to the arguments raised in defendants' response brief.

7. A page limit of 10 pages is necessary for plaintiffs to adequately respond to defendants' arguments.
8. This case involves the constitutionality of a Michigan law set to go into effect on December 1, a mere six weeks away. Plaintiffs must be given a full opportunity to respond to defendants' arguments so that this Court may be completely briefed on the issues before deciding on the constitutionality of a law that implicates Michigan citizens' First Amendment rights.

Respectfully submitted,

BODMAN LLP

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October 19, 2005

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**BRIEF IN SUPPORT OF PLAINTIFFS' EX PARTE
MOTION TO EXTEND PAGE LIMIT**

In support of this motion, plaintiffs rely on E.D. Mich. L.R. 7.1.

Respectfully submitted,

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PROOF OF SERVICE

Alicia J. Blumenfeld certifies that she is an employee of Bodman LLP, that on October 19, 2005 she caused to be served a copy of **Plaintiff's Ex-Parte Motion to Extend Page Limit for Plaintiffs' Reply Brief in Support of Motion for Preliminary Injunction** and this Proof of Service upon the person(s) listed below via electronic filing:

Denise C. Barton, Esq.
Assistant Attorney General
Department of Attorney General
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Lansing, Michigan 48909

I declare under penalty of perjury that the foregoing statement is true and correct to the best of my information, knowledge and belief.

/S/ Alicia J. Blumenfeld

Alicia J. Blumenfeld