

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

S. VICTOR WHITMILL,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 4:11-cv-752 CDP
)	
WARNER BROS. ENTERTAINMENT INC.,)	
)	
Defendant.)	

**PLAINTIFF’S MOTION FOR LEAVE TO EXCEED PAGE LIMIT
AND FILE OUT OF TIME**

Plaintiff S. Victor Whitmill respectfully requests that this Court grant him leave to file a reply memorandum in support of his motion for summary judgment out of time and in excess of the twenty-page limit the Court set in its May 19, 2011 Order. (Doc. 23.) In support of this Motion, Plaintiff states as follows:

1. On Friday, May 20, 2011, Defendant Warner Bros. filed a 40-page Memorandum in Opposition to Plaintiff’s Motion for Preliminary Injunction [doc. 29], after requesting and receiving leave to file a brief in excess of the Court’s standard 15-page limit. LR 7-4.01(B).
2. In addition, Defendant also attached a 32-page “Declaration” from David Nimmer, a law professor and practicing attorney in Los Angeles, California. This declaration followed Defendant’s witness list [doc. 26], which identified Professor Nimmer and stated that “[h]e will offer expert testimony that it is not possible to own a copyright created on another human being.”
3. Plaintiff’s counsel has worked over the weekend to respond to what amounts to 72 pages of legal argument.

4. The Court's May 19 Order also allowed plaintiff to exceed the Court's normal limit by 5 pages and file a 20-page memo no later than 9:00 a.m. this morning.

5. Plaintiff's have been unable to address all of the issues raised by Defendant within that page limit and time limit.

6. So, Plaintiff seeks leave to file its 28-page memo (submitted contemporaneously with this motion) in excess of the Court's page limit and one hour out of time.

7. This motion is not intended to harass or delay. It is intended to promote judicial efficiency by provided the Court with legal citations and support relevant to arguments raised in Defendant's filing on Friday.

WHEREFORE, Plaintiff respectfully requests that this Court grant this motion and such other and further relief as the Court deems appropriate under the circumstances.

Respectfully submitted,

/s/ Geoffrey G. Gerber _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served via the Court's electronic filing system on this 23rd day of May, 2011 on all counsel of record.

/s/ Geoffrey G. Gerber
Attorney for Plaintiff
S. Victor Whitmill