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12 *(USA) Inc., Avison Young-Nevada, LLC,*
13 *Mark Rose, Joseph Kupiec,*

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE DISTRICT OF NEVADA**

16 NEWMARK GROUP, INC., G&E ACQUISITION) CASE NO.: 2:15-cv-00531-RFB-GWF
COMPANY, LLC, and BGC REAL ESTATE OF)
NEVADA, LLC,)
17) **UNOPPOSED MOTION TO FILE**
18) **MOTION FOR SUMMARY**
19) **JUDGMENT IN EXCESS OF**
20) **THIRTY PAGES**
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24 Pursuant to Local Rules LR 7-1, Defendants Avison Young (Canada) Inc., Avison
25 Young (USA) Inc., Avison Young – Nevada, LLC, Mark Rose, and Joseph Kupiec
26 (“Defendants”), respectfully request permission to file a motion for summary judgment that
27 exceeds the 30-page limit set forth in LR 7-1(a). Defendants submit that there is good cause for
28 enlargement, as outlined in the Declaration of Nathaniel Kritzer that follows.

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DECLARATION OF NATHANIEL KRITZER

I, NATHANIEL KRITZER, declare as follows:

1. I am an attorney duly licensed and admitted to practice before the courts of the state of New York. I am admitted pro hac vice in this matter. I am a partner at Steptoe & Johnson, LLP and am representing the Defendants in this matter.

2. I make this declaration in support of Defendants’ Motion for Leave to File Motion for Summary Judgment in Excess of Thirty Pages. Based on my review of the files and records in this case, I have personal knowledge of the contents of this declaration and could testify thereto.

3. Plaintiffs’ Second Amended Complaint contains five different causes of action alleged against the Defendants: a breach of contract claim alleged against Mr. Kupiec; a tortious interference with contract and aiding and abetting breach of fiduciary duty claims alleged against Mr. Rose and the Avison Young entities; and trade secret misappropriation and conspiracy claims alleged against all Defendants.

4. Instead of each Defendant filing its own motion, which would total 150 pages of briefing, Defendants request permission to file a 65-page motion for summary judgment to address five defendants and five claims in a single motion. Courts in this district have found good cause to allow excess pages in similar situations. *F.T.C. v. Ivy Cap., Inc.*, No. 2:11-CV-283 JCM GWF, 2012 WL 4482796, at *2 (D. Nev. Sept. 27, 2012) (finding good cause for an oversize brief where a party filed one lengthy summary judgment brief instead of multiple briefs, which the court noted “would lead to inefficiencies and disjointed litigation.”); *Trina Solar US, Inc. v. Carson-Selman*, No. 220CV1308JCMBNW, 2020 WL 7338552, at *2 (D. Nev. Dec. 14, 2020) (finding good cause to grant motion to exceed page limit where case involved “numerous legal and procedural items” and multiple proceedings spanning multiple jurisdictions).

5. Different facts are relevant to each claim, and as a result, briefing this motion requires a significant amount of additional argument. Furthermore, the trade secret misappropriation claim requires Defendants to address a large volume of documents Plaintiffs are alleging are trade

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1 secrets. This contributes to the need for a brief that exceeds the page limit in LR 7-1.

2 6. As such, Defendants respectfully request that this Court allow them to file a 65-page
3 summary judgment brief, excluding exhibits, on behalf of five defendants.¹ Plaintiffs do not
4 oppose Defendants’ request, and Defendants have agreed not to oppose a motion from Plaintiffs
5 requesting the same page extension for their response brief.

6 7. I declare under penalty of perjury under the laws of the United States of America
7 that the foregoing facts are true and correct.

8 Executed this 23 Day of March, 2023, in New York, New York.

9 /s/ Nathaniel Kritzer

10 Nathaniel Kritzer

11
12 Based on the foregoing Declaration, Defendants request the Court grant this unopposed
13 Motion for excess pages for their forthcoming summary judgment motion.

14 DATED: March 23, 2023

GORDON REES SCULLY MANSUKHANI, LLP

15 By: /s/ Robert S. Larsen

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18 **APPROVED:**

19 **DATED this** 31st day of May, 2023.

21 

22 **RICHARD F. BOULWARE, II**
23 **United States District Judge**

21 Nathaniel J. Kritzer (*pro hac vice*)
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26 *Inc., Avison Young (USA) Inc., Avison Young-*
27 *Nevada LLC, Mark Rose, and Joseph Kupiec*

28 ¹ Defendants John Pinjuv and Nevada Commercial Group intend to file a separate motion for summary judgment that will comply with the thirty-page limit.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 23rd day of March, 2023, and pursuant to Fed. R. Civ. Pro. 5, I served via CM/ECF, a true and correct copy of the foregoing **UNOPPOSED MOTION TO FILE MOTION FOR SUMMARY JUDGMENT IN EXCESS OF THIRTY PAGES** was served upon those persons designated by the parties in the E-Service Master List upon the following:

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