

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

PAUL D. CEGLIA,

Plaintiff,

v.

MARK ELLIOT ZUCKERBERG and
FACEBOOK, INC.,

Defendants.

Civil Action No. 1:10-cv-00569-RJA

**PLAINTIFF’S MOTION TO ENLARGE
TIME TO FILE REPLY TO OPPOSITION
TO OBJECTIONS TO MAGISTRATE’S
REPORT AND RECOMMENDATION
AND FOR AN INCREASE IN THE
PAGE LIMIT**

Plaintiff respectfully moves this Honorable Court for an Order enlarging the time within which Plaintiff may file and serve his Reply Memorandum to the Defendants’ Opposition to the Plaintiff’s Objections to the Magistrate Judge’s Report and Recommendation dated March 26, 2013, up to and including May 22, 2013, and to permit a 10 page increase in the allowable page limit. In support thereof Plaintiff states as follows:

1. Paul Argentieri (“Argentieri”) is one of the attorneys for Plaintiff in this action and has responsibility for the preparation, filing and serving of Plaintiff’s written reply to Defendants’ opposition to Plaintiff’s objections to the Magistrate Judge’s Report and Recommendation dated March 26, 2013. Declaration of Paul Argentieri in Support of Plaintiff’s Motion to Enlarge Time to File Reply to Defendants’ Opposition to Objections to Magistrate’s Report and Recommendation and to Increase the Page Limit ¶ 1.

2. Currently, Plaintiff’s reply is due May 15, 2013. *Id.* ¶ 4.

3. The Magistrate Judge’s Report and Recommendation is 152 pages long and involves numerous, complex, mixed questions of law and fact. ¶¶ 3, 5. Accordingly, the Court

granted Plaintiff and Defendants leave to file overlength opening briefs. Although counsel for Plaintiff have been working diligently to prepare Plaintiff's reply, they require an additional seven days in which to file, up to and including May 22, 2013. *Id.* ¶¶ 5, 6. During the time period for preparing Plaintiff's reply, counsel were also engaged in preparing papers in support of his Motion for a Preliminary Injunction and appearing for the injunction hearing before the Court on May 10, 2013, in the related case, *Ceglia v. Holder, et al.*, Case No. 1:13-cv-00256-RJA. *Id.*

4. Counsel for Plaintiff also requests leave to file a reply of up to 20 pages, or an additional 10 pages. Defendants' Opposition is 50 pages in length and the additional 10 pages requested by Plaintiff are necessary to effectively reply to the opposition. *Id.* ¶ 6.

5. I requested consent from Defendants' counsel Alexander H. Southwell, Esq., on May 10, 2013, for the additional time and pages and Defendants' counsel have advised me that they take no position for or against Plaintiff's request.

Id. ¶ 7.

6. This motion is timely made with respect to the request for an extension of time, but is beyond the seven day limit to request additional pages, however, Plaintiff did not become aware of the need for additional pages until after he had made his final filing for the Preliminary Injunction hearing on May 8, 2013, and Plaintiff respectfully requests, therefore, that the Court entertain and grant the request for additional pages. *Id.* ¶¶ 8, 9.

7. This motion is not being made for purposes of delay, but in good faith. *Id.* ¶ 10.

WHEREFORE, for the above reasons, Plaintiff respectfully requests that the Court grant this motion.

Dated: May 11, 2013

Respectfully submitted,

s/ Paul Argentieri
Paul Argentieri

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