

JERROLD S. JENSEN (#1678)
MARK E. BURNS (#6706)
Assistant Attorneys General
MARK L. SHURTLEFF (#4666)
Utah Attorney General
Attorneys for Defendants
160 East 300 South, 5th Floor
P.O. Box 140857
Salt Lake City, Utah 84114-0857
Telephone: (801) 366-0353

UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION

THE KING’S ENGLISH, INC., et al.,

Plaintiffs

vs.

MARK SHURTLEFF, In his official
capacity as ATTORNEY GENERAL OF
THE STATE OF UTAH, et al.,

Defendants.

**MOTION FOR LEAVE TO FILE
OVERLENGTH REPLY
MEMORANDUM IN SUPPORT OF
DEFENDANTS’ MOTION TO DISMISS**

Case No. 2:05CV00485

Judge Dee Benson

Defendants, by and through counsel, and pursuant to Fed. R. Civ. P. 7 and DUCivR 7-1(e) hereby move the above-entitled Court for leave to file a Memorandum in support of their Motion to Dismiss in excess of the ten (10) page motion limit, but not to exceed 20 pages, exclusive of face sheet, table of contents, statement of issue of the facts, and exhibits.

The grounds for this motion are that this action seeks to have declared unconstitutional

H.B. 260, Amendments Related to Pornographic and Harmful Materials, passed by the Utah State Legislature in 2005 and amended by H.B. 5, Sub. 1, Internet Sexual Content – Protection of Minors, in 2007, codified as Utah Code Ann. §§ 76-10-1204, 76-10-1205, 76-10-1206, 76-10-1231, 76-10-1232, and 76-10-1233.

In order to provide the Court with the necessary underlying legal authority and factual background to support their arguments, Defendants must exceed the ten page minimum under this Court's motion rules.

Given the constitutional issues in this litigation, the significant legal authorities to reference and the underlying facts to set forth, Defendants submit that they have made a showing of good cause and exceptional circumstances to justify the need for an extension of the ten page limitation to 18 pages.

Defendants respectfully request that the Court grant their Motion for Leave to File Overlength Memorandum.

DATED this 31st day of July, 2007.

MARK L. SHURTLEFF
Attorney General

/s/ Mark E. Burns
MARK E. BURNS
JERROLD S. JENSEN
Assistant Attorneys General

CERTIFICATE OF SERVICE

This is to certify that copies of the foregoing MOTION FOR LEAVE TO FILE OVERLENGTH REPLY MEMORANDUM IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS was served by electronically filing the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

HOWREY LLP
Attorneys for Plaintiffs
Wesley D. Felix, e-filer

AMERICAN CIVIL LIBERTIES UNION OF UTAH FOUNDATION, INC.
Attorneys for Plaintiffs
Marina Baginsky Lowe, e-filer

CENTER FOR DEMOCRACY & TECHNOLOGY
Attorneys for Plaintiffs
John B. Morris, e-filer

SONNENSCHN EINH NATH AND ROSENTHAL LLP
Attorneys for Plaintiffs
Michael A. Bamberger, e-filer

/s/ Mark E. Burns