

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 07-60534-CIV-DIMITROULEAS
MAGISTRATE JUDGE: ROBIN ROSENBAUM

HOWARD K. STERN,

Plaintiff,

vs.

JOHN O'QUINN,

Defendant.

**DEFENDANT'S MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS IMPOSED
BY THE LOCAL RULES FOR THIS COURT AND
THE FEDERAL RULES OF CIVIL PROCEDURE**

Defendant, John O'Quinn, by and through his undersigned counsel, hereby moves for entry of an Order by this Honorable Court granting Defendant's Motion For Leave To Exceed Page Limitations Imposed By The Local Rules For This Court And The Federal Rules Of Civil Procedure and in support thereof states as follows:

1. On August 20, 2007 Plaintiff Howard K. Stern filed a 48-page Memorandum of Law in Opposition to Defendant John O'Quinn's Motion to Dismiss and Alternatively to Transfer.

2. This case, as this Court is aware, involves a multitude of complex and lengthy issues.

3. In order to file an effective Reply to Stern's 48-page Memorandum of Law, it was essential to go through six (6) separate series of transcripts, to analyze the implicated statements, as

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well as the context in which the statements were made. As such, it was impossible to file a competent Reply to Stern's Memorandum of Law without exceeding the page limitations set forth by the Local Rules of this Court and the Federal Rules of Civil Procedure.

4. Undersigned counsel contacted opposing counsel, L. Lin Wood, who indicated his opposition to this Motion since the Plaintiff is not entitled to file a Surreply Brief.

5. This Motion is being filed in good faith and not to oppress, hinder or to annoy.

6. The Defendant would be severely prejudiced unless permitted by this Honorable Court to exceed the applicable page limit as it is essential to be able to fully and adequately reply to the Plaintiff's Memorandum of Law.

7. In accordance with Local Rule 7.1.A.1(j), a proposed order granting this Motion is attached hereto, for this Court's convenience.

WHEREFORE, the Defendant John O'Quinn respectfully requests that this Court enter an Order granting this Motion for Leave to Exceed the Page Limitations prescribed by the Local Rules of this Court and by the Federal Rules of Civil Procedure.

Respectfully submitted,

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CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that on September 25, 2007, this document was e-filed using the CMECF system and that a true and correct copy was served via e-mail to: **L. LIN WOOD, ESQ.**, (llwood@pogolaw.com) Powell Goldstein LLP, *Co-counsel for Plaintiff*, One Atlantic Center, 14th Floor, 1201 W. Peachtree Street, N.W., Atlanta, GA 30309; and **M. KRISTA BARTH, ESQ.** (krista@emsattorneys.com), Eric M. Sauerberg, P.A., *Co-counsel for Plaintiff*, Suite 102, 200 Village Square, Palm Beach Gardens, FL 33410 **NEIL McCABE, ESQ.**, (neilm@oqlaw.com) The O'Quinn Law Firm, 440 Louisiana, Suite 2300, Houston, TX 77002 who are listed as recipients as counsel under said system.

By: _____
ROBERTA G. MANDEL, ESQ.
Florida Bar No.: 435953

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