

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO. 11-CV-22026-COOKE/TURNOFF

DR. BERND WOLLSCHLAEGER, et al.,

Plaintiffs,

v.

RICK SCOTT, *in his official capacity*
as Governor of the State of Florida, et al.,

Defendants.

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO
EXCEED PAGE LIMITATION AS TO THEIR CONSOLIDATED REPLY
TO THE OPPOSITION FILED WITH THE NATIONAL RIFLE ASSOCIATION'S
MOTION FOR LEAVE TO PARTICIPATE AMICUS CURIAE AND DEFENDANTS'
OPPOSITION TO PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs move for leave to file a fifteen (15) page consolidated response to the amicus brief filed by the National Rifle Association with its Motion for Leave to Participate Amicus Curiae [DE50] and Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction [DE49]). This reply would exceed by five (5) pages what is normally permitted for reply memoranda pursuant to Local Rule 7.1.C.2. Good cause exists for the granting of Plaintiffs' request, which is not opposed by the Defendants or the NRA.

1. On June 27, 2011, the Proposed Intervenor National Rifle Association ("NRA") filed a Motion to Intervene and Incorporated Memorandum of Law [DE36].
2. On July 1, 2011, Plaintiffs opposed the NRA's motion to intervene [DE48].
3. On July 5, 2011, Defendants filed their opposition to Plaintiffs' Motion for Preliminary Injunction [DE49].
4. On July 5, 2011, the NRA filed a Motion for Leave to Participate as *Amicus*

Curiae and Incorporated its Memorandum of Law as Exhibit A thereto. [DE50].

5. On July 5, 2011, Plaintiffs responded to the NRA's motion to participate as *amicus curiae* stating that they would not oppose the NRA's request under certain conditions [DE52]. One such condition was that Plaintiffs would be granted leave to respond to the NRA's *amicus* brief and Defendants' opposition to the preliminary injunction in a single, consolidated reply with enlarged page limits of up to fifteen (15) pages.¹

6. Plaintiffs submitted a proposed Order granting their request to file a fifteen (15) page consolidated response for this Court's consideration [DE52-1].

7. As of this time, however, this Court has not ruled on the NRA's motions, and Plaintiffs' reply is due tomorrow, July 8, 2011. Thus, Plaintiffs are unclear whether the Court will grant the NRA's motions, or deny them.

8. In an abundance of caution, and due to the press of time, Plaintiffs have assumed that this Court will allow the NRA to participate at least as *amicus curiae* and, thus, Plaintiffs hereby make a formal motion to be allowed to file fifteen (15) page consolidated response to the NRA's briefing and the Defendants' opposition to the Plaintiffs' motion for preliminary injunction, under the assumption that this Court allows the NRA to participate in some capacity.

CERTIFICATE OF COUNSEL REQUIRED BY LOCAL RULE 7.1.A.3

Counsel for Plaintiffs have conferred with Defendants' counsel, who have indicated that they do not oppose the relief requested herein. To the extent they have standing to object, the

¹ Because the NRA proposes to submit (and, in fact, already has submitted as an exhibit to their motion) a full, twenty (20) page response on the merits of Plaintiffs' motion, Plaintiffs, in fairness, should be entitled to file a ten (10) page reply to the NRA's brief in addition to a ten (10) page reply to Defendants' response to their motion for preliminary injunction. In order to lessen the burden on the Court, Plaintiffs request that they be allowed to file a fifteen (15) page consolidated response.

NRA also has not opposed this request. [DE 50 at 4 n.2].

CONCLUSION

For the reasons discussed above, Plaintiffs respectfully request that the Court grant their motion for leave to file a fifteen 15-page consolidated response. A proposed order is attached hereto.

Dated: July 7, 2011

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 7, 2011, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF filing system. I also certify that the foregoing document is being served this date on all counsel of record or pro se parties on the Service List below in the manner specified, either via transmission of Notices of Electronic Filing generated by the CM/ECF system or; in some other authorized manner for those counsel or parties who are not authorized to receive electronically Notices of Electronic Filing.

/s/ Edward M. Mullins

Edward M. Mullins (Fla. Bar No. 863920)

SERVICE LIST

Wollschlaeger, et al. v. Scott, et al.

Case No.: 11-22026-Civ-COOKE/TURNOFF

United States District Court, Southern District of Florida

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EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
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**ORDER GRANTING PLAINTIFF'S UNOPPOSED MOTION FOR LEAVE TO
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TO THE OPPOSITION FILED WITH THE NATIONAL RIFLE ASSOCIATION'S
MOTION FOR LEAVE TO PARTICIPATE AMICUS CURIAE AND DEFENDANTS'
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THIS CAUSE came before the Court on Plaintiff's Motion for Leave to Exceed Page Limitation as to their Consolidated Response to the Opposition filed with the National Rifle Association's Motion for Leave to Participate *Amicus Curiae* and Defendants' Opposition to Plaintiffs' Motion for Preliminary Injunction ("Motion"). The Court having considered the Motion, and otherwise being duly advised herein, it is hereby:

ORDERED AND ADJUDGED that the Motion is GRANTED. Plaintiffs may file a consolidated reply not to exceed fifteen (15) pages in length.

DONE AND ORDERED in Chambers, in Miami, Florida, this _____ day of _____, 2011.

THE HONORABLE MARCIA G. COOKE
United States District Judge

Copies furnished to:
All Counsel of Record