

Thomas M. Melton (4999) (tmelton@agutah.gov)
Robert G. Wing (4445) (rwing@agutah.gov)
Douglas Devore (11170) (dedevore@agutah.gov)
Kevin McLean (16101) (kmclean@agutah.gov)
Attorneys for Plaintiff Utah Division of Consumer Protection
Utah Attorney General's Office
160 East 300 South, Fifth Floor
Salt Lake City, Utah 84114
801-366-0310

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FEDERAL TRADE COMMISSION and
UTAH DIVISION OF CONSUMER
PROTECTION,

Plaintiffs,

v.

ZURIXX, LLC, *et al.*

Defendants.

**PLAINTIFF UTAH DIVISION OF
CONSUMER PROTECTION'S MOTION
FOR LEAVE TO FILE AN
OVERLENGTH MEMORANDUM IN
OPPOSITION TO DEFENDANTS'
PARTIAL MOTION TO DISMISS**

Case No. 2:19-cv-00713-DAK-EJF

District Judge Dale A. Kimball
Magistrate Judge Evelyn J. Furse

Under DUCivR 7-1(e), Plaintiff Utah Division of Consumer Protection (“Division”) moves the Court for an order granting it leave to file the Division’s Response to Defendants’ Partial Motion to Dismiss in excess of the twenty-five (25) page limitation set forth in DUCivR 7-1(b)(2)(A). Specifically, the Division seeks an order allowing it to use an additional 12 pages in its Response to Defendants’ Partial Motion to Dismiss, thereby allowing the Division to file a Response to Defendants’ Partial Motion to Dismiss of 37 pages, exclusive of those pages that do not count toward the page limitation under DUCivR 7-1(b)(2)(A).

Defendants' Partial Motion to Dismiss seeks to dismiss all or part of five of the

Plaintiffs' nine causes of action. Defendants' Partial Motion to Dismiss makes arguments regarding the FTC's and the Division's scope of statutory authority, constitutional limitations on the Division's claims, administrative remedies, and the statutes of limitations applicable to certain of the Division's claims. Given the scope of the relief the Division seeks and the breadth and extent of Defendants' argument in their 31-page Partial Motion to Dismiss, the Division requires an additional 12 pages to present its arguments on these issues. The Division respectfully requests permission to exceed DUCivR 7-1(b)(2)(A)'s 25-page limit.

Submitted this 17th day of December 2019.

/s/ Robert Wing
Robert Wing
Assistant Attorney General

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 17th day of December 2019, a true and correct copy of the foregoing **PLAINTIFF UTAH DIVISION OF CONSUMER PROTECTION'S MOTION FOR LEAVE TO FILE AN OVERLENGTH MEMORANDUM IN OPPOSITION TO DEFENDANTS' PARTIAL MOTION TO DISMISS** was served electronically via the Court's ECF System upon:

For the FTC:

Amanda Grier
Collot Guerard
Joshua A. Doan
Miry Kim

For Defendants:

Benson L. Hathaway, Jr.
Ryan R. Beckstrom

Elliot Kelly
Stephen R. Freeland
Leonard L. Gordon
Mary M. Gardner
Michael A. Munoz

/s/ Shayla Shepherd
Shayla Shepherd

Thomas M. Melton (4999) (tmelton@agutah.gov)
Robert G. Wing (4445) (rwing@agutah.gov)
Douglas Devore (11170) (dedevore@agutah.gov)
Kevin McLean (16101) (kmclean@agutah.gov)
Attorneys for Plaintiff Utah Division of Consumer Protection
Utah Attorney General's Office
160 East 300 South, Fifth Floor
Salt Lake City, Utah 84114
801-366-0310

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

FEDERAL TRADE COMMISSION and
UTAH DIVISION OF CONSUMER
PROTECTION,

Plaintiffs,

v.

ZURIXX, LLC, *et al.*

Defendants.

**[PROPOSED] ORDER GRANTING
PLAINTIFF UTAH DIVISION OF
CONSUMER PROTECTION'S MOTION
FOR LEAVE TO FILE AN
OVERLENGTH MEMORANDUM IN
OPPOSITION TO DEFENDANTS'
PARTIAL MOTION TO DISMISS**

Case No. 2:19-cv-00713-DAK-EJF

District Judge Dale A. Kimball
Magistrate Judge Evelyn J. Furse

Upon consideration of Plaintiff Utah Division of Consumer Protection's Motion For Leave To File An Overlength Memorandum In Opposition To Defendants' Partial Motion To Dismiss under DUCivR 7-1(e) in connection with the Division's Response to Defendants' Partial Motion to Dismiss, and good cause being shown:

IT IS HEREBY ORDERED that Plaintiff Utah Division of Consumer Protection's motion is GRANTED, and IT IS FURTHER ORDERED that the Division is permitted to file its Response to Defendants' Partial Motion to Dismiss with an additional 12 pages.

DATED this ___ day of _____, 2019.

BY THE COURT

DALE A. KIMBALL
United States District Court

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the ____ day of December 2019, a true and correct copy of the foregoing [**PROPOSED**] **ORDER GRANTING PLAINTIFF UTAH DIVISION OF CONSUMER PROTECTION'S MOTION FOR LEAVE TO FILE AN OVERLENGTH MEMORANDUM IN OPPOSITION TO DEFENDANTS' PARTIAL MOTION TO DISMISS** was served electronically via the Court's ECF System upon:

For the FTC:

Amanda Grier
Collot Guerard
Joshua A. Doan
Miry Kim

For Defendants:

Benson L. Hathaway, Jr.
Ryan R. Beckstrom

Elliot Kelly
Stephen R. Freeland
Leonard L. Gordon
Mary M. Gardner
Michael A. Munoz

/s/ Shayla Shepherd
Shayla Shepherd