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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

FEDERAL TRADE COMMISSION *et al.*,

Plaintiffs,

vs.

ZURIXX, LLC *et al.*,

Defendants.

**MOTION FOR LEAVE TO FILE
OVERLENGTH MEMORANDUM**

Case No: 2:19-CV-00713-DAK-DAO

District Judge Dale A. Kimball

Magistrate Judge Daphne A. Oberg

Intervenors, through counsel and pursuant to DUCivR 7-1(e), move the Court to permit the filing of an overlength memorandum, and state the following in support:

1. On May 11, 2021, Intervenors filed their Rule 24 Motion to Intervene. (Dkt. 242).
2. The Motion was overlength by approximately 3.5 pages (excluding face sheet).
3. Counsel for the FTC has objected to the length of the Motion.

4. There is good cause for allowing the Motion to stand as filed.

5. First, Intervenors spent approximately one (1) additional page to address the issue of standing. In *Federal Trade Commission v. Nudge, LLC*¹, Magistrate Judge Oberg indicated that standing is of concern in a Rule 24 motion to intervene. Intervenors' standing discussion is necessary and Intervenors hope, of help to the Court.

6. Second, the Rule 24(a) factors entail an extended discussion. To intervene as of right, a party must establish four (4) factors. In compliance with the applicable legal standard, Intervenors' Motion devotes sufficient time to each of these factors.

7. Third, Intervenors' Motion also shows the Court they are entitled to permissive intervention under Rule 24(b). The Rule 24(b) discussion was also necessary.

8. Fourth, the Motion includes discussion of a new (April 22, 2021) United States Supreme Court case holding the FTC Act does not vest the FTC with the authority to obtain "equitable monetary relief." See Motion p. 3.

9. The FTC is not prejudiced by responding to 3.5 additional pages. The FTC is represented by experienced and well-qualified attorneys who are capable of adequately responding to the standing, Rule 24(a), and Rule 24(b) arguments in the Motion.

10. For these reasons, the Court should grant the Motion and allow the as-filed Motion to stand. Allowing the Motion to stand would promote the just, speedy, and inexpensive determination of this action.

11. In the alternative, having shown good cause, the Court should allow the re-filing of the Motion as an overlength brief.

¹ 2020 WL 6881846, *3

12. For the foregoing reasons, Intervenor's respectfully ask that their Motion be granted.

DATED: May 21, 2021

/s/ Sam Meziani
Sam Meziani

MITTS LAW, LLC

/s/ Maurice R. Mitts
Maurice R. Mitts, Esq. (*pro hac vice*
application forthcoming)