

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
WESTERN DIVISION**

Farm-to-Consumer	:	Case No. 5:10-cv-4018
Legal Defense Fund, et al.	:	
	:	
Plaintiffs	:	Judge Mark W. Bennett
	:	
v.	:	
	:	
Sebelius, et al.	:	
	:	
Defendants	:	

**PLAINTIFFS' UNRESISTED MOTION TO EXCEED 5 PAGES FOR REPLY IN
SUPPORT OF MOTION FOR SUMMARY JUDGMENT**

Pursuant to LR 7(h), Plaintiffs move the Court for permission to exceed the five page limit for their Reply in Support of their Motion For Summary Judgment. Plaintiffs' Reply is attached hereto.

Plaintiffs' claims are of first impression. A Reply in excess of 5 pages is necessary because Plaintiffs need to respond to the allegations made by FDA in its Resistance to Plaintiffs' motion for summary judgment, and need to distinguish or explain the inapplicability of FDA's cases it cites in its Resistance to Plaintiffs' summary judgment motion.

Plaintiffs have contacted Defendants and they do not object to this request.

Consequently, Plaintiffs respectfully submit that they should be allowed to file a Reply in Support of their Motion for Summary Judgment that exceeds 5 pages.

For these reasons, Plaintiffs motion is well taken and it should be granted.

Dated: July 8, 2011

Respectfully submitted,

/s/ David G. Cox
David G. Cox

4240 Kendale Road
Columbus, OH 43220
dcoxlaw@columbus.rr.com
Phone: 614-457-5167
Lead Counsel for Plaintiffs

Wallace L. Taylor
118 3rd Ave., S.E.
Cedar Rapids, IA 52401-1210
wtaylorlaw@aol.com
Phone: 319-366-2428
Local counsel for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2011, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system that will send notification of such filings(s) to the following:

MARTHA A. FAGG
Assistant United States Attorney
600 4th Street, Suite 670
Sioux City, IA 51101
712-255-6011
712-252-2034 (fax)
martha.fagg@usdoj.gov
usao.ian-civ-dc-sc@usdoj.gov

LAWRENCE D. KUDEJ
Assistant United States Attorney
401 First St. SE, Suite 400
Cedar Rapids, IA 52401-1825
319-363-6333
319-363-1990 (fax)
Larry.Kudej@usdoj.gov

ROGER GURAL
Trial Attorney
Office of Consumer Litigation
Department of Justice
Civil Division
P.O. Box 386
Washington, D.C. 20044
202-307-0174
202-514-8742 (fax)
roger.gural@usdoj.gov

/s/ David G. Cox
David G. Cox