

October 21, 2016

Via ECF

The Honorable Wilhelmina M. Wright
U.S. District Judge, District of Minnesota
United States District Court
334 Federal Building
316 N. Robert Street
St. Paul, MN 55101

Re: *Privacy Matters, et al. v. United States Department of Education, et al.*; Case No. 16-CV-3015 (WMW/LIB); Plaintiffs' request to increase word limit pursuant to Local Rule 7.1(f)(1)(D)

Dear Hon. Wright:

Pursuant to Local Rule 7.1(f)(1)(D), Plaintiffs seek leave of court for an increase of 8,000 words in excess of the maximum word count otherwise provided under Local Rule 7.1(f)(1)(B) in support of Plaintiffs' motion for preliminary injunction. That rule provides a combined total of up to 12,000 words in proportional font for a memorandum and reply memorandum in support of a motion. Plaintiffs' reply brief is due on November 2, 2016, based on the agreement of the parties, as permitted by your Honor's Practice Pointers.

Plaintiffs' memorandum in support of their motion for preliminary injunction contained 9,564 words. Thus, absent leave of court, Plaintiffs have 2,436 words reserved for their reply brief. At the time Plaintiffs determined how many words to reserve, the proposed intervenor had not indicated an intention to intervene. In addition, Federal Defendants and Defendant Independent School District No. 706 (Defendant District) filed two separate briefs, each approaching the maximum word count permitted by rule. Federal Defendants filed a response brief of 11,997 words and Defendant District filed a response brief of 11,687 words. The proposed responsive brief of the proposed intervenor did not include a word count certificate, but conservatively appears to exceed 7,000 words. Altogether, this means that Plaintiffs must respond to over 30,000 words of argument in their reply.

Plaintiffs' motion raises important issues of students' statutory and constitutional rights as well as the extent of government authority under administrative law to engage in certain actions. In response, the defendants and proposed intervenor raise important jurisdictional issues, standing considerations, and state law arguments, as well as asserting competing statutory and constitutional rights

for the Court's deliberation. Given the magnitude and complexity of the issues raised, this Court's review would be aided by a thorough response from Plaintiffs.

Plaintiffs thus ask this Court to permit them to file a combined total of not more than 20,000 words, meaning that Plaintiffs would have up to 10,436 words available for their reply brief. As previously stated, defendants and proposed intervenors filed three briefs with a combined word-count total that exceeds 30,000 words. Plaintiffs estimate that they can respond to those briefs with a total increase of 8,000 words above what is currently allowed under Local Rule 7.1(f)(1)(B).

Plaintiffs have sought consent of the parties to this motion and all parties have indicated that they do not object to this motion.

For the foregoing reasons, Plaintiffs ask that this Court grant the requested relief.

Dated: October 21, 2016.

Respectfully submitted,

s/Jordan Lorence
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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2016, I electronically filed the foregoing document with the Clerk of Court using the ECF system, which will effectuate service on all parties.

s/Jordan Lorence
Jordan Lorence