

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

MARK HORTON,)	
)	
Appellant,)	
)	Appeal No. 18-1104
v.)	
)	
MIDWEST GERIATRIC)	
MANAGEMENT, LLC,)	
)	
Appellee.)	

**APPELLEE MIDWEST GERIATRIC MANAGEMENT, LLC'S
MOTION TO FILE OVERLENGTH BRIEF**

Appellee Midwest Geriatric Management, LLC (“MGM”), by and through its undersigned counsel, pursuant to Eighth Circuit Local Rule 28A(k), respectfully moves this Court for permission to file an overlength Brief, totaling up to 16,000 words in length. In support of this Motion, MGM states as follows:

1. MGM respectfully requests permission to file an overlength Brief, totaling up to 16,000 words in length, equaling an additional 3,000 words in length more than otherwise authorized by Federal Rule of Appellate Procedure 32(a)(7)(B)(i).

2. While MGM will endeavor to keep its Brief within the 13,000 word limit set forth by Federal Rule of Appellate Procedure Rule 32(a)(7)(B)(i), given the length of Appellant’s Brief (12,985 words) and number of *Amicus* Briefs (8) filed in support of Appellant, MGM requests permission to use up to an additional 3,000

words to respond to the various arguments, as may be needed.

3. While MGM does not yet know whether the additional 3,000 words sought will be necessary, given the timing requirement imposed by Eighth Circuit Local Rule 28A(k), MGM files its instant Motion now, *i.e.*, 7 days before its Brief is due.

WHEREFORE, Appellee Midwest Geriatric Management, LLC respectfully requests that the Court grant it permission to file an overlength Brief, totaling up to 16,000 words in length.

Dated: May 29, 2018

Respectfully submitted,

/s/ Michael L. Jente

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Attorneys for Appellee

Midwest Geriatric Management, LLC

CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the appellate CM/ECF system on May 29, 2018. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by this Court's CM/ECF system.

Dated: May 29, 2018

/s/ Michael L. Jente
Attorney for Appellee
Midwest Geriatric
Management, LLC

CERTIFICATE OF COMPLIANCE

I hereby certify that the following Motion complies with the type-volume requirements of FED. R. APP. P. 27(d)(2)(A) because it contains 222 words, excluding the caption, signature block, Certificate of Service, and this Certificate of Compliance. I further certify that the following Motion complies with the typeface and type-style requirements of FED. R. APP. P. 27(d)(1)(E), 32(a)(5), and 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in fourteen (14) point Times New Roman font. I further certify that the electronic version of this Motion filed with the Court complies with this Court's Local Rule 25A because it has been submitted in Portable Document Format (PDF), which was generated by printing to PDF from the original word processing file so that the electronic version may be searched and copied.

Dated: May 29, 2018

/s/ Michael L. Jente _____
Attorney for Appellee
Midwest Geriatric
Management, LLC