

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

MARK HORTON,)	
)	
Plaintiff/Appellant,)	
)	Case No. 18-1104
v.)	
)	
MIDWEST GERIATRIC)	
MANAGEMENT, LLC,)	
)	
Defendant/Appellee.)	

**APPELLANT MARK HORTON’S MOTION
FOR LEAVE TO FILE OVERLENGTH REPLY BRIEF**

COMES NOW Plaintiff/Appellant, Mark Horton, by and through his undersigned counsel, and for his Motion for Leave to File Overlength Reply Brief states as follows:

1. Horton respectfully requests permission to file an overlength Reply Brief, totaling up to 8,000 words in length, equaling an additional 1,500 words in length more than otherwise authorized by Federal Rule of Appellate Procedure 32(a)(7)(B)(ii), due to the current circuit split regarding, and importance of, the issues presented in the instant appeal.

2. Horton believes the additional words will be necessary to appropriately respond to Appellee’s Brief, which contains 15,351 words (Appellee requested and was granted permission to file a brief with up to 3,000 words over

the 13,000-word limit of Federal Rule of Appellate Procedure 32(a)(7)(B)(i), for a new limit of 16,000 words). In addition, Horton believes the additional words will be necessary to appropriately respond to the two Amicus briefs filed in support of Appellee, one of which contains 6,493 words, and the other of which contains 3,761 words.

3. Horton acknowledges that the due date for his Reply Brief is less than seven days away, but requests that this Honorable Court permit him to file the instant Motion out-of-time.

WHEREFORE, Appellant Mark Horton respectfully requests that this Honorable Court grant him permission to file an overlength Reply Brief, totaling up to 8,000 words in length.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that, on July 5, 2018, 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 CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/Mark S. Schuver

CERTIFICATE OF COMPLIANCE

I hereby certify that this instrument complies with the type-volume requirements of Fed. R. App. P. 27(d)(2)(A) because it contains 217 words, excluding the caption, signature block, Certificate of Service, and this Certificate of Compliance. I further certify that this instrument 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 2013 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.

/s/Mark S. Schuver