

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:18-cv-02074-WYD-STV

MASTERPIECE CAKESHOP INCORPORATED,
a Colorado corporation; and
JACK PHILLIPS,

Plaintiffs,

v.

AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;
ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official capacity;
MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official capacity;
CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official capacity;
CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official capacity;
RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official capacity;
JESSICA POCOCK, as member of the Colorado Civil Rights Commission, in her official capacity;
CYNTHIA H. COFFMAN, Colorado Attorney General, in her official capacity; and
JOHN HICKENLOOPER, Colorado Governor, in his official capacity,

Defendants.

**UNOPPOSED MOTION FOR LEAVE TO FILE OVERSIZED MEMORANDUM OF
LAW IN CONNECTION WITH PLAINTIFFS' MOTION FOR PRELIMINARY
INJUNCTION**

Plaintiffs Masterpiece Cakeshop Incorporated and Jack Phillips, by and through counsel, hereby respectfully move this Court to grant the parties permission to file oversized memorandum of law in connection with Plaintiffs’ motion for a preliminary injunction. Plaintiffs are aware that Judge Daniel’s Practice Standards limit memorandum in support of motions to 15 pages, responsive memorandum to 15 pages, and reply memorandum to 10 pages. Plaintiffs are also aware that the Practice Standards permit exceptions to those page limits when the complexity and numerosity of the issues require longer briefing. Because this case involves a number of complex constitutional issues—two of which were just before the Supreme Court last term—Plaintiffs respectfully request that the page limits be adjusted as follows: 30 pages for the memorandum in support of the motion; 30 pages for Defendants’ responsive memorandum; and 15 pages for Plaintiffs’ reply. Plaintiffs have asked Defendants for their position on this motion, and they have indicated that they do not oppose it.

In support of this motion, Plaintiffs state as follows:

1. The extra pages are necessary to address important constitutional claims in this case and the need for immediate injunctive relief.
2. The 15-page limit does not provide Plaintiffs adequate space in which to explain the complexities of the issues at hand.
3. The free-exercise and free-speech issues that Plaintiffs will raise in support of their motion for preliminary injunction were before the Supreme Court last term. *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm’n*, 138 S. Ct. 1719 (2018).
4. The Supreme Court acknowledged that some of those issues present “difficult questions.” *Id.* at 1723.

5. As stated above, counsel for Plaintiffs have conferred with Defendants' counsel about this motion, and Defendants have indicated that they do not oppose the granting of this motion.

Plaintiffs thus respectfully request that the Court extend the size limits of the briefing in connection with Plaintiffs' motion for preliminary injunction and order as follows: the text of Plaintiffs' memorandum in support of their motion for preliminary injunction is limited to 30 pages; the text of Defendants' responsive memorandum is limited to 30 pages; and the text of Plaintiffs' reply is limited to 15 pages.

Respectfully submitted this 4th day of September, 2018.

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CERTIFICATE OF SERVICE

I hereby certify that on September 4, 2018, the foregoing was filed with the Clerk of Court using the CM/ECF system, which will send notification of such filing to the following:

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Defendants.

[PROPOSED] ORDER

This matter is before the Court on the Unopposed Motion for Leave to File Oversized Memorandum of Law in Connection with Plaintiffs' Motion for Preliminary Injunction (D.E. # ____). Because of the complexity and numerosity of the important constitutional issues that Plaintiffs will raise in support of their motion for preliminary injunction, the Court hereby **GRANTS** that unopposed motion.

The Court extends the size limits of the briefing in connection with that motion as follows: the text of Plaintiffs' memorandum in support of their motion for preliminary injunction is limited to 30 pages; the text of Defendants' responsive memorandum is limited to 30 pages; and the text of Plaintiffs' reply is limited to 15 pages.

Entered this ____ day of September, 2018.

Hon. Wiley Y. Daniel
Senior U.S. District Judge
District of Colorado

At Denver, Colorado