

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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UNITED STATES OF AMERICA,	)	
	)	
	)	
	)	
v.	)	Case No. 1:21-cr-138
	)	
AARON MOSTOFSKY,	)	<b>District Judge James E. Boasberg</b>
	)	
Defendant.	)	

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**DEFENDANT MOSTOFSKY’S MOTION TO EXCEED PAGE LIMIT IN REPLY**

On August 31, the Court granted in part Mostofsky’s motion to file excess pages in his Motion to Dismiss Counts One, Two, Five and Six of the Superseding Indictment, setting a 60-page limit. Mostofsky’s memorandum of law is 60 pages, ECF No. 47, while the government’s opposition brief is 57 pages. ECF No. 57.

The local rules set a default limit of 25 pages for a reply memorandum. LCrR 47(e). That represents a little over 55% of the default opening brief page limit. Because the parties’ initial memoranda span approximately 60 pages rather than the 45-page default, Mostofsky requests a reply limit of 34 pages, including signature blocks. He has already cut entire argument sections of his opening brief to meet that limit. Mostofsky asks the Court to bear in mind that the government itself acknowledges that its liability theories in this matter are novel and that the local rule defaults are set with the mine-run case in mind. He also asks the Court to consider that Mostofsky could have simply broken up a single motion to dismiss into multiple motions to dismiss by count, each with a 45-page limit under the local rules, but consolidated them for the Court’s convenience. Mostofsky is grateful for the Court’s consideration of this motion.

Dated: September 29, 2021

Respectfully submitted,

/s/ David B. Smith

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**Certificate of Service**

I hereby certify that on the 29th day of September, 2021, I filed the foregoing motion with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following CM/ECF user(s):

Graciela Lindberg  
Assistant United States Attorney  
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And I hereby certify that I have mailed the document by United States mail, first class postage prepaid, to the following non-CM/ECF participant(s), addressed as follows: [none].

/s/ David B. Smith

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