UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA

FEDERAL TRADE COMMISSION, Plaintiff, v. ROCA LABS, INC., *et al.* Defendants.	Case No. 8:15-cv-02231-MSS-TBM **PLAINTIFF'S MOTION TO EXCEED PAGE LIMIT FOR PLAINTIFF'S MOTION FOR NOTICED TEMPORARY RESTRAINING ORDER AND MEMORANDUM IN SUPPORT**

Pursuant to M.D. Fla. R. 3.01(d), Plaintiff, the Federal Trade Commission ("FTC"), requests leave of Court to exceed the page limit of twenty-five (25) pages set forth in M.D. Fla. L.R. 3.01(a), and file a thirty-three (33) page Motion for Noticed Temporary Restraining Order and Memorandum in Support.

The FTC seeks temporary injunctive relief against Defendants to halt deceptive and unfair acts and practices that violate Sections 5 and 12 of the Federal Trade Commission Act, 15 U.S.C. §§ 45(a) and 52. The complaint names two corporations and two individuals, and includes seven counts alleging multiple violations of the FTC Act. These violations concern their false and unsubstantiated dietary supplement weight loss claims deceptive marketing methods and privacy promises, and unfair use of non-disparagement provisions in their product sales contracts, and related legal threats.

In its Motion and Memorandum, the FTC has sought to lay out concisely the legal and factual predicates for granting temporary injunctive relief. However, to brief the Court adequately about Defendants' multifaceted law violations, and the remedies needed to stop them, the FTC believes it is necessary to exceed the 25-page limit by eight pages. The FTC believes the added pages will facilitate, rather than hamper, the orderly and expeditious disposition of this

case, and thus good cause exists to exceed the page limit. A court has broad discretion over the management of its cases, and broad discretion to grant this request. *See Johnson v. Board of Regents of the Univ. of Ga.*, 263 F.3d 1234, 1269 (11th Cir. 2001) (district courts have broad discretion over pretrial activities; denial of intervenor's scheduling motion not abuse of discretion); *see, e.g., .In re Fiddler's Creek, LLC v. Naples Lending Grp., LC*, 2015 U.S. Dist. LEXIS 94763 (M.D. Fla. 2015) (granting leave to file reply brief and unopposed motion to exceed page limit).

Because this Motion to Exceed is part of the FTC's filing for temporary injunctive relief and the FTC has not contacted Defendants in this newly-filed matter, pursuant to M.D. Fla. L.R. 3.01(g), the FTC has not conferred with opposing counsel in to resolve any issues raised by a motion containing excess pages.

Respectfully submitted,

JONATHAN E. NUECHTERLEIN
General Counsel

Dated: September 24, 2015

/s/ *Carl H. Settlemyer, III*
CARL H. SETTLEMYER, III (Trial Counsel)
PAUL B. SPELMAN
Federal Trade Commission
600 Pennsylvania Avenue, NW
Mail Drop CC-10528
Washington, DC 20580
(202) 326-2019, -2487 (Tel.)
(202) 326-3259 (Fax)
csettlemyer@ftc.gov
pspelman@ftc.gov
Attorneys for Plaintiff Federal Trade Commission