

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA

ASA MOSSMAN, <i>et al.</i> ,	:	
	:	CASE NO.:
	:	1:21-cv-0028-CJW-MAR
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
U.S. CENTERS FOR DISEASE	:	
CONTROL, <i>et al.</i> ,	:	
	:	
<i>Defendants.</i>	:	

**PLAINTIFFS’ UNOPPOSED MOTION FOR LEAVE TO FILE A BRIEF  
EXCEEDING 20 PAGES IN SUPPORT OF SUMMARY JUDGMENT**

Pursuant to Local Rule 7(h) Plaintiff files this motion requesting an oversize brief supporting its motion for summary judgment. The Defendants do not oppose a motion asking for 20 pages or less in additional pages and so do not oppose this motion, and Plaintiffs do not oppose a similar request by Defendants for their Opposition and Cross-Motion for Summary Judgment.

The reasons for this request are that this is a motion for summary judgment by over a dozen plaintiffs on five counts of a class action complaint. The regulatory record in this case is thousands of pages long and even though most brief citations are to the federal register the orders and extensions involved in this case have been many and gone on for a year.

The issues involved are complex constitutional and statutory issues and the nature of the order under attack here by plaintiffs is unprecedented in its breadth and use by the defendants.

It should be noted that the Northern District of Iowa does not have a page limit for social security benefit briefs which are also a type of administrative law case. In order for this Court to understand the nature of the administrative actions taken here and the position of the plaintiffs enduring it a brief of more than 20 pages was and is necessary.

WHEREFORE, Plaintiffs respectfully request this Court grant leave to file the attached brief in support of summary judgment of 33 pages being 13 more than allowed by the rules without motion.

Respectfully,

/s/ John J. Vecchione  
John J. Vecchione (*pro hac vice*)  
Senior Litigation Counsel  
Jared McClain (*pro hac vice*)  
Litigation Counsel  
New Civil Liberties Alliance  
1225 19th St. NW, Suite 450  
Washington, DC 20036  
John.Vecchione@ncla.legal  
Jared.McClain@ncla.legal  
(202) 918-6902  
*Counsel for Plaintiffs (Pro hac vice)*

/s/  
The Kirkwood Institute, Inc.

Alan R. Ostergren  
*President and Chief Counsel*  
500 Locust Street, Suite 199  
Des Moines, Iowa 50309  
[alan.ostergren@kirkwoodinstitute.org](mailto:alan.ostergren@kirkwoodinstitute.org)  
(515) 207-0134

**CERTIFICATE OF SERVICE**

I hereby certify that on August 30, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to all counsel of record.

*/s/ John J. Vecchione*  
John J. Vecchione  
*Counsel for Plaintiffs*