IN THE UNITED STATES DISTRICT COURT
DISTRICT OF COLORADO

Civil Action No. 11-cv-00520-PAB-BNB

HEALTH GRADES, INC.,

Plaintiff,

vs.

MDX MEDICAL, INC. d/b/a VITALS.COM,

Defendant.

UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS

Plaintiff Health Grades, Inc. ("Health Grades"), by its undersigned counsel, respectfully submits its Unopposed Motion for Leave to Exceed Page Limitations, and states in support:

1. Health Grades is filing concurrently with this motion its oppositions to MDx's three motions for partial summary judgment [Dkt. 368] [Dkt. 371] [Dkt. 372]. Per its Order dated October 15, 2012 [Dkt. 330], the Court expanded the page limits for responses to summary judgment motions to 30 pages collectively. Health Grades respectfully requests the Court allow it to have up to 45 pages collectively in its three oppositions to MDx's three motions for partial summary judgment. Good cause exists for allowing the three collective responses to have up to 45 pages. The responses address three separate motions with multiple arguments and related case law that needs to be cited and discussed.

2. Health Grades is also filing concurrently with this motion its opposition to MDx's *Daubert* motion to preclude testimony by David Hall [Dkt. 375]. Health Grades respectfully requests the Court allow it to exceed the page limitations for its opposition by 10 pages, i.e., that it allow the opposition to have up to 25 pages. Good cause exists for allowing the opposition to

have up to 25 pages. MDx's *Daubert* motion raises complicated damages issues that require Health Grades to cite and discuss Mr. Hall's damages report, his methodologies, and related case law, all of which cannot adequately be done within 15 pages.

3. Undersigned counsel has conferred with counsel for MDx and certifies that MDx does not oppose the relief requested herein.

WHEREFORE, Health Grades respectfully requests that the Court grant its Motion for Leave to Exceed Page Limitations, and allow it up to 45 pages collectively for its three oppositions to MDx's three summary judgment motions, and up to 25 pages for its opposition to MDx's *Daubert* motion.

Respectfully submitted this 26th day of November, 2012.

ROTHGERBER JOHNSON & LYONS LLP

s/ Jesús M. Vázquez

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CERTIFICATE OF SERVICE

I hereby certify that on November 26, 2012, I electronically filed the foregoing **HEALTH GRADES, INC.'S MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

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