IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

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

HEALTH GRADES, INC.,

Plaintiff,

v.

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

Defendant and Counter Claimant.

UNOPPOSED MOTION FOR LEAVE TO EXCEED PAGE LIMIT ON MDX REPLY BREIF IN SUPPORT OF MOTION TO EXCLUDE EXPERT TESTIMONY OF MR. DAVID HALL

Defendant MDx Medical, Inc. d/b/a Vitals.com ("MDx"), by its undersigned counsel, respectfully submits its Unopposed Motion for Leave to Exceed Page Limitations with respect to its reply brief in support of its Motion to Exclude Expert Testimony of Mr. David Hall [Dkt. 375], and states in support:

1. Concurrently filed herewith is MDx Medical, Inc.'s Reply in Support of its Motion to Exclude Expert Testimony of Mr. David Hall Pursuant to Fed.R.,Evid. 403 and 702, and *Daubert v. Merrell Dow Pharms., Inc,* 509 U.S. 579 (1993). (hereafter, the "Reply").

2. The Reply consists of 15 pages, not including the Certificate of Service and signature page. Good cause exists for allowing the Reply to exceed the 10-page limitation for Rule 702 reply briefs as set forth in the Court's Practice Standards.

3. Plaintiff Health Grades filed a 24-page response to MDx's Motion to Exclude Expert Testimony of Mr. Hall [Dkt. 411], Health Grades argued at great length that the lost profit

and royalty analysis of Mr. Hall satisfied *Daubert*. In order to address the numerous and various (but flawed) arguments raised in Plaintiff's response, Defendant needs permission to exceed the page limit by five pages.

4. Undersigned counsel certifies pursuant to Local Rule 7.1 that Mr. Scott Murray conferred with counsel for Health Grades regarding the relief requested herein. Health Grades **does not oppose** this motion.

WHEREFORE, MDx respectfully requests that the Court grant its Motion for Leave to Exceed Page Limitations, and accept MDx's Reply filed concurrently herewith.

Respectfully submitted this 14th day of December, 2012

s/ Scott D. Stimpson

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CERTIFICATE OF SERVICE

I hereby certify that on December 14, 2012, I electronically filed the foregoing UNOPPOSED 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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