

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----	X	
ALEXANDER KESTENBAUM and	:	
STUDENTS AGAINST ANTISEMITISM,	:	
INC.,	:	
	:	
Plaintiffs,	:	Civil Action No. 1:24-cv-10092-RGS
v.	:	
	:	
PRESIDENT AND FELLOWS OF	:	
HARVARD COLLEGE,	:	
	:	
Defendant.	:	
-----	X	

**ASSENTED TO MOTION TO MODIFY PAGE LIMIT FOR PLAINTIFFS’  
OPPOSITION TO DEFENDANT’S COMBINED  
MOTION TO DISMISS AND MOTION TO STRIKE**

Plaintiffs Alexander Kestenbaum and Students Against Antisemitism, Inc. (“Plaintiffs”) respectfully request that the Court modify the default page limitations applicable to Plaintiffs’ opposition to Defendant’s motion to dismiss and strike the Amended Complaint, which is due on April 26, 2024. *See* Dkt. 25. Plaintiffs request that the Court grant them leave to file a memorandum up to 30 pages in length in support of their forthcoming opposition, which is the equivalent length that the Court set for Defendant’s opening memorandum.

In support of this Motion, Plaintiffs state as follows:

1. Plaintiffs filed the Amended Complaint on March 29, 2024. Dkt. 32.
2. The Court granted Defendant 30 pages for its opening memorandum in response to the Amended Complaint. Dkt. 34.
3. In response to the Amended Complaint, Defendant filed a memorandum in support of its combined motion to dismiss under Rules 12(b)(1) and 12(b)(6) and motion to strike under Rule 12(f) that is 30 pages in length, along with three declarations and eight exhibits. Dkts. 35-39.

4. Under Local Rule 7.1(b)(4), the default page limitation for memoranda opposing motions is 20 pages.

5. While Plaintiffs are working diligently to present their arguments in as concise a manner as possible, Plaintiffs believe that an additional 10 pages are necessary to address the volume and scope of Defendant's 30-page memorandum and supporting declarations and exhibits, and to present complete and effective responses to arguments under Rule 12(b)(1), 12(b)(6), and 12(f). Plaintiffs therefore believe that allowing them to submit a memorandum that is up to 30 pages in length—the same length as Defendant's memorandum—will serve the goals of efficiency and judicial economy.

6. Defendant has consented to Plaintiffs filing a memorandum of comparable length to Defendant's memorandum. Dkt. 33.

### **CONCLUSION**

For the reasons set forth above, Plaintiffs respectfully request that this Court grant Plaintiffs leave to file a memorandum in opposition to Defendant's combined motion to dismiss and motion to strike of up to 30 pages in length.

Dated: April 15, 2024  
New York, New York

Respectfully submitted,

ALEXANDER KESTENBAUM and STUDENTS  
AGAINST ANTISEMITISM, INC.

By their attorneys,

/s/ Marc E. Kasowitz

Marc E. Kasowitz\*

Daniel R. Benson\*

Mark P. Ressler\*

Andrew L. Schwartz\*

Joshua E. Roberts\*

Andrew C. Bernstein\*

**KASOWITZ BENSON TORRES LLP**

1633 Broadway

New York, New York 10019

Tel: (212) 506-1700

mkasowitz@kasowitz.com

dbenson@kasowitz.com

mressler@kasowitz.com

aschwartz@kasowitz.com

jroberts@kasowitz.com

abernstein@kasowitz.com

Timothy H. Madden (BBO #654040)

**DONNELLY, CONROY & GELHAAR, LLP**

260 Franklin Street, Suite 1600

Boston, MA 02110

Tel: (617) 720-2880

thm@dcglaw.com

\*Admitted *pro hac vice*