

John L. Fellows (No. 4212)
Eric Weeks (No. 7340)
Office of Legislative Research and General Counsel
Legislature of the State of Utah
W210 State Capitol Complex
Salt Lake City, Utah 84114

Counsel for the Special Investigative Committee
of the Utah House of Representatives

**IN THE THIRD JUDICIAL DISTRICT COURT, SALT LAKE DEPARTMENT
SALT LAKE COUNTY, STATE OF UTAH**

In re:

Utah House of Representatives
Special Investigative Committee
Subpoena of Softwise, Inc.,
Dated October 4, 2013

**MOTION OF THE SPECIAL
INVESTIGATIVE COMMITTEE TO
FILE AN OVERLENGTH
MEMORANDUM**

Civil No. 130907548

Judge: Su Chon

The Special Investigative Committee of the Utah House of Representatives (the “Special Committee”), by and through its undersigned attorneys, moves for leave under Utah Rule of Civil Procedure 7(c)(2) to file the accompanying overlength Memorandum In Support Of The Motion Of The Special Investigative Committee Under § 36-14-5 To Compel Obedience To A Subpoena Issued To Softwise, Inc. And In Opposition To Motion To Quash (the “Memorandum”), which includes less than 15 pages of argument.

Utah Rule of Civil Procedure 7(c)(2) provides that while “[i]nitial memoranda shall not exceed 10 pages of argument without leave of court[,] *** [t]he court may permit a party to file

an over-length memorandum upon ex parte application and a showing of good cause.” Good cause exists here for three reasons. First, the Memorandum includes arguments both in support of the Special Committee’s Motion to Compel, and in Opposition to Softwise’s Motion to Quash. If the Special Committee were to file each memorandum separately, the Special Committee would be entitled to 10 pages of argument per memorandum, or 20 pages total. Therefore, permitting up to 15 pages of argument in a combined pleading with a single background statement of facts is not excessive and in fact promotes efficiency and judicial economy consistent with the spirit of the Rules of Civil Procedure. Second, the Special Committee’s Motion to Compel and its response to Softwise’s Motion to Quash, taken together, raise a wide range of constitutional, statutory, and procedural issues. In the Special Committee’s view, allowing the Memorandum to include up to 15 pages of argument will significantly aid this Court in its full and fair consideration of these issues. Third, in support of its Motion to Quash, Softwise itself filed an overlength brief that included approximately 15 pages of argument. As a matter of equity, therefore, the Special Committee respectfully requests permission to include in its combined pleading an argument section of up to 15 pages as well.

For the foregoing reasons, the Special Committee respectfully requests that the Court grant its Motion for Leave to File An Overlength Memorandum. A proposed Order accompanies this filing.

DATED this 22nd day of November, 2013.

Respectfully submitted,

/s/ John L. Fellows

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Eric Weeks (No. 7340)

Office of Legislative Research and General Counsel

Legislature of the State of Utah

W210 State Capitol Complex

Salt Lake City, Utah 84114

Telephone: (801) 538-1032

Fax: (801) 538-1712

Counsel for the Special Investigative Committee of
the Utah House of Representatives

CERTIFICATE OF SERVICE

I certify that on November 22, 2013, a true and correct copy of the foregoing motion was served on the following by U.S. mail and electronic mail:

Samuel Alba, counsel for Softwise, Inc.
Snow, Christensen & Martineau
110 Exchange Place, 11th Floor
Post Office Box 45000
Salt Lake City, Utah 84145-5000
salba@scmlaw.com

/s/ Kristen C. Ricks