

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

PROPERTIES OF THE VILLAGES,
INC.,

Plaintiff,

v.

FEDERAL TRADE COMMISSION,

Defendant.

Case No. 5:24-cv-00316-TJC-PRL

**DEFENDANT'S UNOPPOSED MOTION FOR LEAVE TO RE-FILE
DEFENDANT'S MEMORANDUM IN OPPOSITION TO PLAINTIFF'S
MOTION FOR STAY OF EFFECTIVE DATE AND PRELIMINARY
INJUNCTION CONFORMING TO LOCAL RULES AND IN EXCESS OF
PAGE LIMIT**

Defendant Federal Trade Commission respectfully requests leave to re-file its brief in opposition to Plaintiff's motion for stay of effective date and preliminary injunction (ECF No. 39), which was due on July 25, 2024. Defendant inadvertently filed that brief in a typeface and font size that did not accord with Local Rule 1.08. Yesterday, Plaintiff brought this issue to Defendant's attention, and counsel for Defendant sincerely regrets the mistake.

Accordingly, Defendant requests permission to re-file that brief with no edits to its substance but in typography that complies with Local Rule 1.08. Defendant also

requests a nine-page extension for that conforming brief.¹ Counsel for Defendant has conferred with counsel for Plaintiff, who does not oppose the request, subject to the following conditions: (1) Plaintiff requests permission to file a 10-page reply brief on or by August 9, 2024; (2) Defendant agrees that it will not file a response to the *amicus* brief filed by the Securities Industry and Financial Markets Association *et al.* (SIFMA) (ECF No. 36); and (3) the parties jointly request that the Court require all *amicus* briefs to be filed by August 1, 2024, in order to avoid delay in the Court's consideration of Plaintiff's motion. Defendant consents to those conditions.

Thus, the parties request that the Court enter an order:

1. Permitting Defendant to re-file Defendant's Memorandum in Opposition to Plaintiff's Motion for Stay of Effective Date and Preliminary Injunction that is the same in substance as ECF No. 39 but that conforms to Local Rule 1.08 and would be thirty-nine pages;
2. Permitting Plaintiff to file a reply in support of its motion for stay of effective date and preliminary injunction up to ten pages in length and on or by August 9, 2024; and
3. Requiring all *amicus* briefs to be filed by August 1, 2024.

Further, Defendant represents that it does not plan to file any response to the *amicus* brief filed by SIFMA.

¹ Should the Court prefer to accept the previously filed brief as-is, Defendant does not object.

Dated: July 27, 2024

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

LESLEY R. FARBY
Assistant Branch Director

/s/ Rachael L. Westmoreland
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LOCAL RULE 3.01(g) CERTIFICATION

I, Rachael L. Westmoreland, hereby certify that I conferred with counsel for Plaintiff regarding the relief sought in this motion via e-mail exchange on July 26-27, 2024. Plaintiff's counsel represented that Plaintiff would not oppose Defendant's motion subject to the conditions outlined in this motion.

Dated: July 27, 2024

/s/ Rachael L. Westmoreland