

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

2015 FEB 20 A 9 21

MICROSOFT CORPORATION, a
Washington corporation, and FS-ISAC, INC.,
a Delaware corporation,

Plaintiffs,

v.

JOHN DOES 1-3, CONTROLLING A
COMPUTER BOTNET THEREBY
INJURING PLAINTIFFS AND THEIR
CUSTOMERS AND MEMBERS,

Defendants.

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

Civil Action No: 1:15 cv 240 LMB/IDD

**FILED UNDER SEAL PURSUANT TO
LOCAL CIVIL RULE 5**

**BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR LEAVE TO EXCEED PAGE
LIMITS RE: PLAINTIFFS' TRO APPLICATION**

Pursuant to Fed. R. Civ. P. 7 and Local Civil Rule 7(f)(3), Plaintiffs hereby move for leave to exceed the page limits for their Brief In Support of Application for an Emergency Temporary Restraining Order and Order to Show Cause re: Preliminary Injunction.

Contemporaneously with the filing of this Motion, Plaintiffs are filing an Application for an Emergency Temporary Restraining Order and Order to show Cause re: Preliminary Injunction (the "TRO Application"). Plaintiffs' brief in support of the TRO Application is 35 pages.

Under Local Rule 7(f)(3), briefs are generally limited to 30 pages. Because of the complexity of the issue presented in this case, however, Plaintiffs cannot fully explain the factual and legal bases for their TRO Application within the 30-page limit. Accordingly, Plaintiffs respectfully request that this Court grant leave to exceed the page limits imposed by Local Civil

Rule 7. Plaintiffs are filing this Motion for Leave to Exceed Page Limits contemporaneously with the filing of their case-initiating documents and TRO Application because of the urgent nature of these proceedings, the need for emergency relief, and the importance of maintaining confidentiality regarding the relief Plaintiffs request from the Court.

The Court may, in its discretion, grant leave to a party to exceed the page limit set forth in Local Civil Rule 7 and consider the party's brief in its entirety. *See, e.g., Harrison v. Prince William County Police Dep't*, 640 F. Supp. 2d 688, 700 (E.D. Va. 2009) (enlarging page limit given unusual procedural posture of the case). Here, because of the substantial public interest involved, the nature of the relief requested, and the complexity of Defendants' unlawful conduct, enlargement of the page limitation is critical to permitting Plaintiffs a full opportunity to describe the extensive technical factual predicate for its TRO Application.

Plaintiffs are submitting extensive evidence in support of their TRO Application that must be set forth in detail in their supporting brief. In particular, Plaintiffs are submitting detailed technical declarations and other evidence related to the following: (1) the tactics used by Defendants to commit malware infections; (2) the complex methodology for infecting and remotely controlling victim's computers; (3) the deleterious effects of Defendants' behavior on Plaintiffs, their customers, and the general public; and (4) the irreparable harm suffered by Plaintiffs and their customers as a result of Defendants' actions. In order to fully explain the significance of this evidence, Plaintiffs require more than 30 pages of briefing.

Accordingly, given the technical issues presented in this case and the *ex parte* nature of the TRO Application, Plaintiffs respectfully request relief from Local Civil Rule 7's page limitation so that Plaintiffs can provide the Court with the information it needs to rule on the merits of the TRO Application.

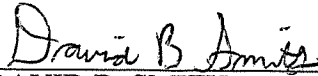
CONCLUSION

For the reasons stated, Plaintiffs request leave to exceed the page limits set forth in Local Civil Rule 7 and ask that the Court consider Plaintiffs' brief in support of their TRO Application in its entirety.

Dated: February 19, 2015

Respectfully submitted,

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