

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIAM ROGER CLEMENS

§
§
§
§
§
§
§

V.

CASE NO.: 4:08-CV-00471

BRIAN McNAMEE

**ROGER CLEMENS'S MOTION FOR LEAVE
TO FILE RESPONSE TO MOTION TO DISMISS
IN EXCESS OF COURT'S PAGE LIMIT**

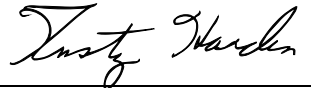
Pursuant to Rule 6(A) of this Court's Procedures, memoranda and briefs shall be limited to twenty-five pages absent leave of court for extended briefing. Plaintiff Roger Clemens respectfully requests that the Court grant leave for him to file with the Court his Response to Defendant Brian McNamee's Motion to Dismiss the Complaint in its Entirety. The response exceeds the Court's twenty-five page limit.

Clemens has endeavored to meet the Court's requirement but has been unable to do so due to the breadth of Defendant's motion to dismiss, the number of issues to be addressed, and the amount of information needed to be brought to the Court's attention.¹ Accordingly, Clemens seeks leave to file his Response to Defendant Brian McNamee's Motion to Dismiss the Complaint in its Entirety.

¹ Defendant's Motion to Dismiss essentially includes three motions to which Clemens must respond: a motion to dismiss for lack of personal jurisdiction, a motion to dismiss for lack of proper venue, and a motion to dismiss for failure to state a claim on which relief can be granted.

WHEREFORE, Clemens requests that the Court grant this motion for leave. In the alternative, Clemens requests that the Court grant him three days from a denial of this request to resubmit a response that complies with the Court's page limit.

Respectfully submitted,



Rusty Hardin
Attorney-in-Charge
Federal I.D. No.: 19424

Of Counsel:
RUSTY HARDIN & ASSOCIATES, P.C.
Andy Drumheller
Federal I.D. No.: 22734
Derek Hollingsworth
Federal I.D. No.: 34569
Joe Roden
Federal I.D. No.: 20354
Terry Kernell
Federal I.D. No.: 15074
1401 McKinney Street, Suite 2250
Houston, Texas 77010
(713) 652-9000
(713) 652-9800 (facsimile)

ATTORNEYS FOR WILLIAM ROGER CLEMENS

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of May, 2008, a true and correct copy of the foregoing instrument was served upon all counsel of record via certified mail, return receipt requested, in accordance with the Federal Rules of Civil Procedure as follows:

Richard D. Emery
New York State Bar No.: RE-5181
Debra Greenberger
New York State Bar No.: DG-5159
Emery Celli Brinckerhoff & Abady, LLP
75 Rockefeller Plaza, 20th Floor

New York, New York 10019
Admitted *Pro Hac Vice*

Earl Ward
New York State Bar No.: EW-2875
75 Rockefeller Plaza, 20th Floor
New York, New York 10019
Admitted *Pro Hac Vice*

David R. Miller
Federal I.D. No.: 7066
David R. Miller, Attorney at Law, PLLC
2777 Allen Parkway, 7th Floor
Houston, Texas 77019

A handwritten signature in black ink that reads "Joe Roden". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Joe Roden

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

WILLIAM ROGER CLEMENS

§
§
§
§
§
§
§

V.

CASE NO.: 4:08-CV-00471

BRIAN McNAMEE

**ORDER GRANTING ROGER CLEMENS'S MOTION FOR LEAVE
TO FILE RESPONSE TO MOTION TO DISMISS
IN EXCESS OF COURT'S PAGE LIMIT**

The Court orders the following:

It is hereby ORDERED that Roger Clemens's Motion for Leave to File Response to Motion to Dismiss in Excess of Court's Page Limit is GRANTED. Roger Clemens is therefore GRANTED leave to file his Response.

Signed this ____ day of _____, 2008.

Keith P. Ellison
United States District Judge