

Plaintiffs, by their undersigned attorneys, move for leave to file a brief in excess of the page and word limits set forth in Local Rule 7.8 in opposition to Defendants' four pending motions in limine, as follows:

1. On September 6, 2005, Defendants filed five motions in limine, including a motion to preclude plaintiffs from using or introducing at trial news materials, a motion to exclude the testimony of Barbara Forrest, PH.D., a motion to exclude the testimony of Jeffrey Shallit, PH.D, a motion to preclude plaintiffs from using or introducing at trial statements made by individual board members, and a motion to preclude plaintiffs from using or introducing at trial evidence related to Discovery Institute, Foundation for Thought and Ethics, Jon Buell, Charles Thaxton, Phillip Johnson, Percival Davis, and Dean Kenyon.

2. On September 9, 2005, this Court ruled on Defendants' motion to exclude the testimony of Jeffrey Shallit, PH.D., thereby leaving only four pending motions in limine to which plaintiffs need respond ("the pending motions").

3. Plaintiffs now seek leave to file one brief responding to the pending motions that would be no longer than the cumulative length of the briefs they would be permitted to file under Local Rule 7.8 if they filed four separate briefs.

4. Plaintiffs anticipate that one consolidated brief will be substantially shorter than four separate briefs combined, but are presently unable to specify exactly how much shorter that one consolidated brief will be.

5. Accordingly, plaintiffs request permission to file one brief in opposition to the pending motions, not to exceed 60 pages, or 20,000 words, in length.

6. Counsel for Defendants concur in this motion.

WHEREFORE, plaintiffs request permission to file a brief in opposition to Defendants' four pending motions in limine in excess of 15 pages, but not in excess of 60 pages or 20,000 words.

Respectfully submitted,

/s/ Thomas B. Schmidt, III

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Date: September 13, 2005

CERTIFICATE OF CONCURRENCE

The undersigned attorney for plaintiffs advised Defendants' attorney, Patrick T. Gillen, Esquire, of the foregoing motion and was told that Defendants concur in it, with the understanding that any response brief they may file in opposition to Defendants' motions in limine may exceed 15 pages, but not exceed 60 pages or 20,000 words.

/s/ Thomas B. Schmidt, III

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CERTIFICATE OF SERVICE

I hereby certify that on September 13, 2005, I caused a copy of the foregoing document to be served upon the following counsel by the Middle

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