

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

_____	)	
SHIVA AYYADURAI, an individual,	)	
	)	
Plaintiff,	)	
	)	
v.	)	C.A. No. 17-cv-10011-FDS
	)	
FLOOR64, INC., a California corporation	)	
d/b/a TECHDIRT; MICHAEL DAVID	)	
MASNICK, an individual; LEIGH	)	
BEADON, an individual; and DOES 1-20,	)	
	)	
Defendants.	)	
_____	)	

**ASSENTED-TO MOTION OF FLOOR64, INC. AND MICHAEL MASNICK  
FOR LEAVE TO FILE MEMORANDUM OF LAW  
IN EXCESS OF PRESUMPTIVE PAGE LIMITATION  
OF LOCAL RULE 7.1**

Defendants Floor64, Inc. and Michael Masnick (“Defendants”) respectfully request leave to file a memorandum of law in excess of the presumptive page limitation set forth in Local Rule 7.1 in support of their Motion to Dismiss pursuant to Fed. R. Civ. P. 12(b)(5) and (6).

In support of this motion, Defendants state as follows:

1. Plaintiff Shiva Ayyadurai has brought a 31-page complaint against the Defendants, asserting claims for libel, intentional interference with prospective economic advantage, and intentional infliction of emotional distress. The Complaint is based on 14 articles posted on Defendants’ website, Techdirt.com, over a two-year period. Plaintiff identifies 84 separate allegedly defamatory statements contained in those articles.

2. Defendants Floor64, Inc. and Michael Masnick are filing a motion to dismiss all claims pursuant to Fed. R. Civ. P. 12(b)(5) and 12(b)(6). The motion and supporting memorandum of law explain that all 84 statements are expressions of opinion categorically

protected from defamation liability by the First Amendment. The Defendants also assert that, because Plaintiff is a public figure, he is required to plead facts plausibly showing that Defendants published the challenged statements with knowledge of their falsity or with reckless disregard for the truth—something the Complaint fails to do. Finally, the motion and memorandum note that Plaintiff failed properly to serve Floor64, Inc. with process.

3. In light of the extensive nature of Plaintiff's Complaint, and in order to be of the greatest assistance to the Court in assessing the 84 allegedly defamatory statements identified in the Complaint, Defendants respectfully request leave to file a memorandum of law of 30 pages in length.

4. Plaintiff Shiva Ayyadurai, through his counsel, has assented to the relief requested in this motion.

WHEREFORE, Defendants move that they be given leave to file a brief of 30 pages in length in support of their Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(5) and 12(b)(6).

FLOOR64, INC. and MICHAEL MASNICK

By their attorneys,

/s/ Robert A. Bertsche

Robert A. Bertsche (BBO #554333)

rbertsche@princelobel.com

Jeffrey J. Pyle (BBO #647438)

jpyle@princelobel.com

Thomas Sutcliffe (BBO #675379)

tsutcliffe@princelobel.com

PRINCE LOBEL TYE LLP

One International Place, Suite 3700

Boston, Massachusetts 02110

Tel: (617) 456-8018

Dated: February 17, 2017

**CERTIFICATE OF SERVICE**

I hereby certify that the within document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and by first-class mail to any non-registered participants.

*/s/ Robert A. Bertsche*

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Robert A. Bertsche  
Attorney to Defendants Floor64, Inc.  
and Michael Masnick