

Amy Baggio, OSB #011920
amy@baggiolaw.com
Baggio Law
621 SW Morrison, Suite 1025
Portland, OR 97205
Tel: (503) 222-9830
Fax: (503) 274-8575

Attorney for Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

UNITED STATES OF AMERICA,

No. 3:16-cr-00051-BR-03

Plaintiff,

v.

JOSEPH O'SHAUGHNESSY,

Defendant.

**DEFENDANT'S UNOPPOSED
MOTION FOR LEAVE TO FILE
MEMORANDUM OVER 10 PAGES
IN SUPPORT OF MOTION TO
DISMISS COUNT 1 AS
UNCONSTITUTIONALLY VAGUE
ON ITS FACE AND AS APPLIED**

Defendant Joseph O'Shaughnessy, through counsel Amy Baggio, moves the Court for leave to file a longer than ten-page Memorandum in Support of Defendant's Motion To Dismiss Count 1 As Unconstitutionally Vague On Its Face And As Applied.

Certificate of Conferral

On Monday, April 25, 2016, undersigned counsel conferred in real time with AUSA Ethan Knight about this request to file a memorandum over ten pages; the government does not oppose the request.

Basis For The Request

In the Court's Order of April 11, 2016, the Court stated that memoranda in support of motions were to be limited to ten pages "unless after a good-cause showing before the motion...is filed[,] the Court grants leave to file a longer memorandum." (CR-389 at 5-6.)

Undersigned counsel has almost completed drafting the Memorandum in Support Of Defendant's Motion To Dismiss Count 1 As Unconstitutionally Vague On Its Face And As Applied. The memorandum, which is expected to be filed on behalf of all of the defendants, addresses important constitutional questions related to First, Second, and Fifth Amendment issues. Undersigned counsel represents in good faith that the issues addressed therein are both important and complicated; further, the memorandum addresses issues of first impression. Undersigned counsel further represents that she has provided a draft copy of the memorandum to AUSA Knight to allow the government to have "enough information about the basis of the motion to begin to prepare the response even before the motion is filed..." (CR-418.)

Under these circumstances, the defense respectfully requests that the Court permit Defendant to file "Defendants' Memorandum in Support of Motion to Dismiss Count 1 as Unconstitutionally Vague On Its Face And As-Applied" in a form longer than ten pages.

Respectfully submitted on April 25, 2016.

/s/ Amy Baggio

Amy Baggio, OSB #011920
503-222-9830
Attorney for Defendant O'Shaughnessy