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**UNITED STATES OF AMERICA
BEFORE THE FEDERAL TRADE COMMISSION
OFFICE OF THE ADMINISTRATIVE LAW JUDGES**

In the matter of

H&R BLOCK INC.,
a corporation,

HRB DIGITAL LLC,
a limited liability company, and

HRB TAX GROUP, INC.,
a corporation.

DOCKET NO. 9427

RESPONDENTS' MOTION TO EXCEED MOTION *IN LIMINE* WORD COUNT LIMIT

H&R Block, Inc., HRB Digital LLC, and HRB Tax Group, Inc. (“Respondents”) respectfully submit this Motion to Exceed Motion *in Limine* Word Count Limit seeking relief from the Scheduling Order limiting the word count for motions *in limine* to 750 words.

Pursuant to Additional Provision 16 of the Scheduling Order, “Motions *in limine* (including memoranda in support) shall be presented individually, and shall be limited to 750 words, but may include, as exhibits, excerpts of the discovery limited to that required to present the motion’s context.” Respondents understand that motions *in limine* are disfavored, and Respondents do not intend to file motions *in limine* addressed to a single document or other specific small piece of evidence or topic. Instead, Respondents intend to file well-placed *Daubert* motions directed at several of Complaint Counsel’s expert witnesses. Each of these expert witnesses filed lengthy opening and rebuttal reports and were deposed for the better part of 7 hours.

It is critical that Respondents be allowed to make a fulsome record of the serious issues that require this Court to exclude some of the expert opinions offered by the FTC.

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Respondents met and conferred with Complaint Counsel and while Complaint Counsel does not object to the Court granting relief to Respondents from Additional Provision 16 of the Scheduling Order, they do object to the number of words Respondents seek for its motions *in limine*.

Respondents seek 5000 words per *Daubert* motion, which amounts to less than 20 pages of text. In any other court, litigants are afforded well in excess of this page limit for critical motions such as these. Respondents respectfully submit that 5000 words per motion *in limine* directed to the FTC's experts is more than reasonable.

Complaint counsel objects to any more than 1500 words per motion *in limine*. Because of the nature of the motions Respondents intend to file here, this arbitrary limitation is unnecessary and unreasonable.

For all of the reasons set forth above, Respondents respectfully request that the word count limits for their motions *in limine* be extended from 750 words to 5,000 words.

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Dated: September 24, 2024

Respectfully submitted,

By: /s Erika Whyte

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[PROPOSED]

**ORDER GRANTING RESPONDENTS' MOTION TO EXCEED
MOTION *IN LIMINE* WORD COUNT LIMIT**

On September 24, 2024, Respondents filed a Motion to Exceed Motion *in Limine* Word Count Limit. Upon consideration of this Motion, it is hereby **GRANTED**.

It is hereby ordered that the word count limits for Respondents' motions *in limine* are extended from 750 words to 5,000 words.

SO ORDERED.

Dated:

Jay L. Himes
Administrative Law Judge

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CONFERENCE STATEMENT

Counsel for the moving party has conferred with opposing counsel in an effort in good faith to resolve by agreement the issues raised by the motion and has been unable to reach such an agreement.

/s/ Erika Whyte
Erika Whyte

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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2024, I filed the foregoing document electronically using the FTC's e-Filing system, which will send notification of such filing to:

April Tabor
Office of the Secretary
Federal Trade Commission
600 Pennsylvania Avenue, NW
Suite CC-5610
Washington, DC 20580
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The Honorable Jay L. Himes
Administrative Law Judge
600 Pennsylvania Ave., NW
Suite H-110
Washington, DC 20580

I further certify that on September 24, 2024, I caused the foregoing document to be served via email to:

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Counsel Supporting the Complaint

Dated: September 24, 2024

Respectfully submitted,

By: /s/ Erika Whyte

Erika Whyte

*Counsel for H&R Block, Inc.,
HRB Digital LLC, &
HRB Tax Group, Inc.*