

FEB 14 2008

STATE OF MINNESOTA

FILED

IN COURT OF APPEALS

State of Minnesota,

Respondent,

vs.

Larry Edwin Craig,

Appellant.

**NOTICE OF MOTION AND MOTION FOR ENLARGED
BRIEF PURSUANT TO MINN. R. CIV. APP. P. 132.01, SUBD. 3**

TO: THE MINNESOTA COURT OF APPEALS AND THE APPELLANT LARRY EDWIN CRAIG, THROUGH HIS ATTORNEYS, THOMAS M. KELLY, KELLY & JACOBSON, 220 SOUTH SIXTH STREET, SUITE 215, MINNEAPOLIS, MN 55402, AND WILLIAM R. MARTIN, SUTHERLAND, ASBILL & BRENNAN, LLP, 1275 PENNSYLVANIA AVENUE NW, WASHINGTON, D.C., 20004.

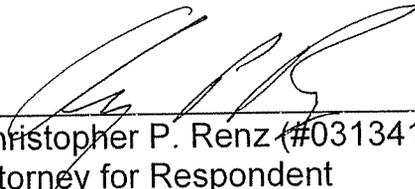
The Respondent hereby moves the Minnesota Court of Appeals, pursuant to the provisions of Minn. R. Civ. App. P. 132.01, subd. 3, for an Order allowing the Respondent to file its Respondent's brief not exceeding a length of 15,500 words for the following reasons constituting good cause:

1. Respondent is unable to address all pertinent issues within the current length restraints;

2. The variety of novel issues presented by Amici Curiae's brief are outside of the scope of the Appellant's principal arguments;
3. Respondent's counsel has made honest efforts to confine its brief within the limitations prescribed by the Minnesota Rules of Appellate Procedure, but is unable to do so while presenting the Court with the information necessary to make an informed decision;
4. Further reasons presented in the attached Affidavit in support of the instant request.

Respectfully submitted,

Dated: 2/14/08



Christopher P. Renz (#0313415)
Attorney for Respondent
Metropolitan Airports Commission
3300 Edinborough Way, Suite 600
Edina, MN 55435
(952) 835-7000

STATE OF MINNESOTA

IN COURT OF APPEALS

State of Minnesota,

Respondent,

vs.

Larry Edwin Craig,

Appellant.

AFFIDAVIT OF CHRISTOPHER P. RENZ

STATE OF MINNESOTA)

) ss.

COUNTY OF HENNEPIN)

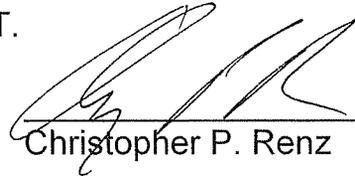
Christopher P. Renz, being first duly sworn on oath states and deposes as follows:

1. I am one of the attorneys for Respondent Metropolitan Airports Commission, and as such have knowledge of the events surrounding the District and Appellate Court proceedings in this case. I file this Affidavit for the purposes of requesting permission to file an enlarged brief.
2. The Respondent's brief currently is due on February 25, 2008.
3. I understand that the Court may, pursuant to Minnesota Rule of Appellate Procedure 132.01, subd. 3, allow a party to file an enlarged brief for good

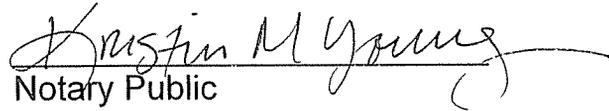
cause shown.

4. I ask for the Court's permission to file an enlarged Respondents brief in order for Respondent to provide the Court with a full and proper analysis of the myriad of issues raised primarily due to the presence of the Amici Curiae.
5. Following numerous edits, the Respondent's brief essentially is completed. Therein, Respondent has addressed all of the issues that properly were raised before the district court, as well as new issues raised by Appellant in his brief that never were a part of the District Court proceeding. Additionally, the Amici Curiae has presented a plethora of issues that not only were not present before the District Court, but also required a lengthy, though precise, recitation of points of law related to the much-maligned disorderly conduct statute. Despite honest efforts, I am unable to abbreviate the text to the extent required by the Minnesota Rules of Appellate Procedure while giving proper attention to the issues raised by both factions in this appeal, and I wish to provide the Court with all information and analysis necessary to make an informed decision.
6. The enlargement of brief length sought by Respondent is only 1500 words beyond the prescribed limit and, therefore, granting the Respondent's application for leave to file an enlarged brief would not significantly increase the burden on the Court, while allowing the Respondent properly to address each of the issues.

FURTHER YOUR AFFIANT SAYETH NOT.


Christopher P. Renz

Subscribed and sworn to before
me this 14th day of February 2008


Notary Public



APPELLATE COURT CASE NUMBER A07-1949

STATE OF MINNESOTA

IN COURT OF APPEALS

State of Minnesota,

Respondent,

vs.

AFFIDAVIT OF SERVICE

Larry Edwin Craig,

Appellant.

Lorna L. LaLonde of the City of Eden Prairie, County of Hennepin, State of Minnesota, says that on February 14, 2008 she served the following:

**Notice of Motion and Motion for Enlarged Brief Pursuant to Minn. R.
Civ. App.P.132.01, Subd. 3**

Affidavit of Christopher P. Renz

upon:

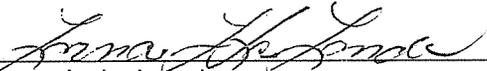
William R. Martin, Esq.
Kathleen H. Sinclair, Esq.
Sutherland Asbill & Brennan, LLP
1275 Pennsylvania Avenue N.W.
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Teresa Nelson, Esq.
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Thomas M. Kelly, Esq.
Kelly & Jacobson
220 South Sixth Street, Suite 215
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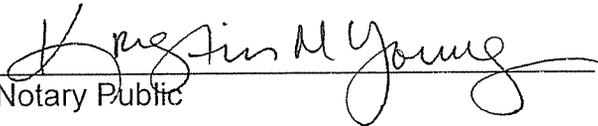
the attorneys for Defendant Larry Edwin Craig and the amici curiae ACLU/ACLU-MN in this matter, via United States Mail by placing a copy in an envelope, postage prepaid, and by depositing the same in the post office at Edina, Minnesota, directed to said

attorneys at the above-stated addresses, the last known addresses of said attorneys.



Lorna L. LaLonde

Subscribed and sworn to before me
This 14th day of February, 2008.



Notary Public

