

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

UNITED STATES

v.

Criminal No. 2:20-cr-114-FTM-66MRM

CASEY DAVID CROWTHER

Defendant.

_____ /

DEFENDANT'S LEAVE FOR MOTION TO EXCEED PAGE LIMIT

Defendant, Casey D. Crowther (“**Crowther**”), through undersigned counsel, and pursuant to M.D. Local Rule 3.01(a), hereby files his Leave for Motion to Exceed Page Limit.

1. On March 26, 2021, the jury returned its guilty verdict against Crowther with respect to Counts I through IV of the Second Superseding Indictment.

2. Crowther intends to file a Renewed Motion for Judgment of Acquittal or Alternatively for New Trial (the “**Motion for Judgment of Acquittal**”). Crowther’s Motion for Judgment of Acquittal is due no later than Friday, April 9, 2021 pursuant to Fed. R. Crim. P. 29 and 33.

3. As currently drafted, Crowther’s Motion for Judgment of Acquittal is thirty (30) pages in length. Accordingly, Crowther’s Motion for Judgment of Acquittal exceeds the 25-page limit set forth in M.D. Local Rule 3.01(a) by five (5) pages.

4. Crowther’s Motion for Judgment of Acquittal, *inter alia*, addresses inconsistencies, incongruities, and ambiguities among the CARES Act, (which is the

relevant enabling statute) and interim final rules that were promulgated by the SBA that purported to interpret the relevant provisions of the CARES Act.

5. Although Crowther has attempted to conform his Motion for Judgment of Acquittal to this Court's 25-page limit, he is unable to do so without eliminating relevant facts and legal argument that are critical for this Court's consideration. The arguments set forth in Crowther's Motion for Judgment of Acquittal speak directly to fundamental due process concerns. Crowther's Motion also argues several other points in support of judgment of acquittal in Crowther's favor or, alternatively, for a new trial that cause the Motion to exceed 25 pages in length.

6. Due to the complexity of the CARES Act and the voluminous, confusing, and conflicting interim final rules that were promulgated by the Small Business Administration in response to the CARES Act, the relevant legal arguments that must be made in Crowther's Motion require extensive quotations from the relevant statute and interim final rules, along with testimony from various trial witnesses that is directly relevant to the pertinent legal issues. These considerations require that Crowther exceed this Court's 25-page limit by a modest volume of additional pages. *See* M.D. Local Rule 3.01(a).

7. Accordingly, Crowther requests this Court's leave to exceed the page limit by only five (5) pages. Crowther's Motion for Judgment of Acquittal will not exceed thirty (30) pages in length.

8. Prior to filing the instant Motion, the undersigned conferred with the Government's counsel in good faith to ascertain whether the Government objects to

the relief requested herein. The undersigned is authorized to represent that the Government's counsel takes no position on this Motion.

9. This Motion is not being made for any improper purpose.

WHEREFORE, Defendant, Casey David Crowther respectfully requests that this Court (a) grant this Motion in all respects; (b) grant Crowther leave to exceed the 25-page limit with respect to his forthcoming Motion for Judgment of Acquittal or Alternatively for New Trial by five (5) pages, such that Crowther's Motion will not exceed a total of thirty (30) pages in length; and (c) enter such other and further relief this Court deems just and proper.

/s/ Nicole H. Waid
Nicole H. Waid
Fla. Bar No. 121720
nicole.waid@fisherbroyles.com

/s/ Brian E. Dickerson
Brian E. Dickerson, Esq.
Fla. Bar No. 106615
brian.dickerson@fisherbroyles.com

FISHERBROYLES, LLP
2390 Tamiami Trail North, Suite 100
Naples, Florida 34103
Phone: (202) 906-9572
Fax: (239) 236-1360

CERTIFICATE OF SERVICE

I, Brian E. Dickerson, attorney for Casey David Crowther, do hereby certify that I have, this day, filed the foregoing with the Clerk of Court via the CM/ECF system, which has caused a true and correct copy to be served on all counsel of record.

/s/ Brian E. Dickerson
Brian E. Dickerson, Esq.