

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA,)	
Appellee)	
)	Appellate No. 07-1156
v.)	
)	
JOHN BAPTIST KOTMAIR, JR.,)	District No. WMN-05-cv-1297
and SAVE-A-PATRIOT FELLOWSHIP,)	
Appellants)	

**Defendant/Appellant SAPF’s Motion for Leave to Extend the Length of Its
Opening Brief**

COMES NOW Defendant/Appellant Save-A-Patriot Fellowship (SAPF), through undersigned counsel, and hereby moves this Court to grant leave to SAPF to extend the word count of its opening brief up to 21,000 words, if necessary.

This motion is made pursuant to Local Rule 32(b), which states in relevant part: “A motion for permission to submit a longer brief must be made to the Court of Appeals at least 10 calendar days prior to the due date of the brief, and must be supported by a statement of reasons.”

Well aware that such motions are granted only in extraordinary or exceptional cases, SAPF submits that this case presents serious and substantial legal questions, which will require additional space to properly brief. Both the First Amendment and the scope of Title 26 U.S.C. §§6700, 6701, 7408, and

7402(a) are at issue. Additionally, a serious question also exists as to the elements necessary to be established in order to find violations of §§ 6700 and 6701.

SAPF, a *bona fide* unincorporated association engaging in political speech and action protected by the federal guarantees of the First Amendment, has been in existence nearly as long as §§ 6700 and 6701, yet SAPF was never accused of violating those sections until the present controversy. Therefore, the precise legal issues which arise in SAPF's case have not been presented before any Court of Appeals until now. Moreover, it now appears that these first-impression questions will require some additional explication of the legislative history of the statutory sections concerned, and of the courts' treatment of these sections. Because this involves a higher number of issues than usual — some of which have become more complex as this case developed in the lower court — relatively extended treatment may be necessary. Therefore, SAPF requests this Court allow for the possibility of up to 21,000 words (SAPF intends to file in 14-pt. Times New Roman font).

Pursuant to Local Rule 27(a), counsel for Appellant Save-A-Patriot Fellowship hereby shows the following:

STATEMENT OF COUNSEL

Before filing this motion, I informed John B. Kotmair, Jr., of Save-A-Patriot Fellowship's intention. Appellant Kotmair consents to the granting of the motion.

On April 3, 2007, mover consulted with counsel for the Appellee, Ms. Carol A. Barthell of the U.S. Department of Justice, who has informed mover that Appellee opposes granting any additional briefing length to SAPF.

WHEREFORE, Appellant SAPF prays that this Court grant an order extending the length of its brief to 21,000 words.

Respectfully submitted this 3rd day of April, 2007.



GEORGE E. HARP, Bar number 22429

610 Marshall St., Ste. 619
Shreveport, LA 71101
(318) 424-2003

Attorney for Save-A-Patriot Fellowship

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a printed copy of the Appellant Save-A-Patriot Fellowship's foregoing Motion for Leave to Extend the Length of Its Opening Brief was sent to counsel for the Appellee, Carol A. Barthell, Attorney, Appellate Section, U.S. Department of Justice, Post Office Box 502, Washington, DC, 20044; and Defendant/Appellant John B. Kotmair, Jr., Post Office Box 91, Westminster, MD 21158, by Express U.S. Mail with sufficient postage affixed this 3rd day of April, 2007.



GEORGE E. HARP