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U.S. COURT OF APPEALS

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NO. 10-16992

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UNITED STATES COURT OF APPEALS  
FOR THE NINTH DISTRICT

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GARY BLACK AND HOLLI BEAM-BLACK

*Plaintiffs/Appellants,*

v.

GOOGLE, INC.

*Defendant/Appellee.*

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On Appeal from the United States District Court for the  
Northern District of California  
Case No. 4:10-cv-02381-CW  
The Honorable Claudia Wilken

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**APPELLANTS MOTION TO SUBMIT AN OVERSIZED,  
SUBSTITUTED, OR CORRECTED BRIEF**

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GARY BLACK AND HOLLI BEAM-BLACK

101 Auld Court

Green Valley Falls, California 94534

(707) 373-2960

Plaintiffs are acting: "*In Propria Persona*"

1.

Pursuant to the clerk of the courts orders the plaintiffs hereby motion the Ninth District Court of Appeals for permission to file the attached 5 page informal brief form with 29 pages in attachment to that form. The word count is approximately 17,180.

2.

The attached brief represents the plaintiffs third attempt at filing the brief as the clerk has deemed the previous two attempts as seriously deficient and threatens dismissal of the case. The clerk cites the first two briefs filed as exceeding the page count permitted for *unrepresented litigants pursuant to Cir. R. 32-5*. The plaintiffs, in this third attempt at filing the brief, have shortened the brief now twice. The first brief was 40 pages plus the 5 informal form pages and a table of contents. The second brief was 39 pages without a table of contents plus the 5 informal brief pages. The attached third brief is 29 pages plus the 5 informal brief pages; it is simply shortened.

3.

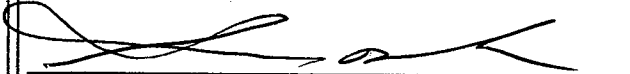
Plaintiffs apologize for the inconvenience, readily admit to not being great at counting, but assert they're are not able to ascertain the page limitations required by the rules or even which rules apply to unrepresented litigants. The act is not willful, as plaintiffs are being harmed daily by the defendants and want the brief filed. Plaintiffs are grounding this motion in reliance upon FRAP 47(A)(2) as cited below for relief in getting the brief properly filed.

(2) A local rule imposing a requirement of form must not be enforced in a manner that causes a party to lose rights because of a non-willful failure to comply with the requirement.

4.

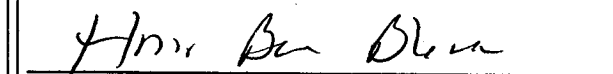
Plaintiff attaches to this motion the clerks notice of defective brief as was requested. Plaintiffs are respectfully requesting permission to file the attached 34 page brief as is; it consist of 5 informal brief form pages plus a 29 page (*attach additional sheets as necessary*) attachment within those 5 pages.

Respectfully submitted before the Ninth Circuit Court Of Appeals,



Gary Black, individually plaintiff

Dated: January 10, 2011



Holli Beam Black, individually plaintiff

Dated: January 10, 2011