Daugherty v. Hurst Doc. 166

IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA SOUTHERN DIVISION

SHUNTA DAUGHERTY, individually, and as the administrator of the estate of Michael Dashawn Moore, :

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Plaintiff,

•

vs. : CIVIL ACTION NO. 1:17-cv-72-TFM-C

.

HAROLD HURST, et al.,

:

Defendants.

ORDER

Pending before the Court is Plaintiff Shunta Daugherty's *Motion for Leave to File a Consolidated Response and a Brief in Excess of Page Limits*. Doc. 165, filed October 28, 2019. Plaintiff requests the Court allow her to file a consolidated response to Defendants' motions for summary judgment and file a brief in excess of this judicial district's page limits for motions. *Id.* at 1. In support of Plaintiff's request, she states there are two (2) pending motions for summary judgment to which she must respond; Defendant City of Mobile incorporates in its motion for summary judgment portions of Defendant Hurst's motion for summary judgment; the events of this matter occurred at multiple locations and on different dates and times; there is voluminous discovery in this matter; and there are considerable facts in dispute. *See id.* ¶¶ 2-7, 9. Defendants' counsel do not oppose Plaintiff's request to consolidate her responses, but object to her request to file excess pages. *Id.* ¶ 10. Plaintiff seeks up to 100 pages for her consolidated response and attaches a draft statement of facts as an exemplar on the additional pages needed. *See* Doc. 165-1.

The Court notes the facts stated in Defendants' motions for summary judgment collectively

total approximately fifteen (15) pages and neither motion exceeds this judicial district's page limits

for motions. Compare Doc. 159 with Doc. 160; see S.D. Ala. CivLR 7(e). While the Court is

willing to give some degree of flexibility on the length of the consolidated response, 100 pages is

excessive. A review of the exhibit indicates there is a great deal of white space and a more efficient

layout will likely alleviate Plaintiff's concerns. As such, the Court is willing to provide up to sixty

(60) pages.

Plaintiff's Motion for Leave to File a Consolidated Response and a Brief in Excess of Page

Limits (Doc. 165) is hereby **GRANTED** in part and **DENIED** in part as discussed below.

(1) Plaintiff's motion is **GRANTED** as to her request to file a consolidated response to

Defendants' motions for summary judgment,

(2) The motion **GRANTED** in part in that the consolidated response may exceed the

thirty (30) page limit but may not exceed sixty (60) pages.

(3) The motion is **DENIED** as to her request to file excess pages up to 100 pages.

Ultimately, Plaintiff may elect on whether to file an individual response, not to exceed thirty (30)

pages or a consolidated response not to exceed sixty (60) pages.

DONE and **ORDERED** this the 30th day of October 2019.

/s/ Terry F. Moorer

TERRY F. MOORER

UNITED STATES DISTRICT JUDGE

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