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**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

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Anthony Farier,

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No. CV-07-1407-PHX-DGC

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Plaintiff,

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**ORDER**

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vs.

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City of Mesa, a municipal corporation,

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Defendant.

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Defendant has filed a motion for extension of page limitation for its motion for summary judgment. Dkt. #92. The Court will grant the motion in part and deny it in part.

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Rule 7.2 of the Court’s Local Rules of Civil Procedure provides that “a motion including its supporting memorandum . . . shall not exceed seventeen (17) pages[.]” LRCiv 7.2(e). Defendant’s proposed motion for summary judgment exceeds the 17-page limit by more than 20 pages. Dkt. #95. The motion includes 10 pages on the background section for the failure-to-promote claim and another 10 pages for the retaliation claim. *Id.* The law and argument section does not even begin until page 23 – 6 pages beyond the limit of 17. *Id.* The Court finds that the proposed motion is unnecessarily excessive.

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The Court further finds that Defendant’s proposed statement of facts is too long. That document is 43 pages and includes a whopping 413 separate paragraphs (spanning Dkt. ##96-99). Under Local Rule 56.1(a), only *material* facts shall be included in a statement of facts. Facts that are irrelevant or unnecessary to the disposition of the motion for summary

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1 judgment are not material. *See Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 247-48  
2 (1986).

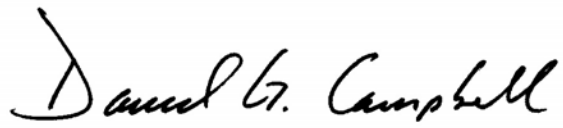
3 Defendant shall, by February 6, 2009, file a revised motion for summary judgment not  
4 to exceed 20 pages and a revised statement of facts not to exceed 15 pages and 40 discrete  
5 material facts.

6 **IT IS ORDERED:**

- 7 1. Defendant's motion for extension of page limitation for its motion for  
8 summary judgment (Dkt. #92) is **granted in part** and **denied in part**.
- 9 2. Defendant shall, by **February 6, 2009**, file a revised motion for summary  
10 judgment not to exceed 20 pages and a revised statement of facts not to exceed  
11 15 pages and 40 discrete material facts.

12 DATED this 28th day of January, 2009.

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David G. Campbell  
United States District Judge