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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHRIS WILLIS, *et al.*,

Plaintiffs,

vs.

CITY OF FRESNO, *et al.*,

Defendants.

Case No.: No. 09-cv-01766-BAM

**ORDER DENYING DEFENDANTS' EX
PARTE APPLICATION FOR RELIEF
FROM THE REPLY BRIEF PAGE LIMIT
(DOC. 185)**

**ORDER STRIKING DEFENDANTS'
REPLY BRIEF
(Doc. 186)**

**ORDER STRIKING PLAINTIFFS' REPLY
BRIEF
(Doc. 187)**

Currently before the Court is Defendants' *ex parte* application for an order granting Defendants relief from the Court's Standing Order limiting all reply briefs to ten pages. Defendants filed this *ex parte* application simultaneously with a sixteen-page reply brief in support of Defendants' Motions in Limine. Plaintiffs filed a thirteen-page reply in support of their Motions of Limine, but have not requested relief from the Court's Standing Order.

Defendants acknowledge their filing of an overlength brief was procedurally improper as relief from the Court's Standing Order must be obtained seven days prior to the reply's due date. However, Defendants argue relief is appropriate because they could not have known relief was

1 necessary until the brief was due. Defendants additionally argue relief is appropriate because
2 they could not properly address all the issues raised in Plaintiff’s opposition.

3 As the parties are aware, “Judges in the Eastern District of California carry the heaviest
4 caseload in the nation” *Aguilar v. Gen. Motors, LLC*, No. 1:13-CV-00437-LJO-GSA, 2013
5 WL 3872502, at *1 (E.D. Cal. July 25, 2013). This Court is unable to devote inordinate time and
6 limited resources to individual cases and matters. Nor can the Court address every argument and
7 matter raised by a party. Rather, the Court addresses only the arguments, evidence and matters
8 necessary to reach a decision. Due in no small part to this Court’s overburdened docket, unless
9 leave of Court is obtained in advance, reply briefs in civil cases are limited to ten (10) pages.
10 (Standing Order of Magistrate Judge Barbara A. McAuliffe ¶8.) Accordingly, the Court expects
11 the parties to present a distilled, succinct presentation of the facts and law necessary to reach a
12 decision.

13 Defendants failed to comply with this Court’s page limitations or timely seek leave to file
14 an overlength reply brief. The Court does not find good cause to grant relief from the Standing
15 Order’s page limitation. The Court is not persuaded by Defendants’ general and unsupported
16 assertion that, “despite Defendants’ best efforts, they could not thoroughly reply to each motion
17 in limine Plaintiffs opposed and meet the required burdens of proof and stringent requirements
18 established by the Ninth Circuit within the Court’s 10 page limit.”

19 Moreover, the Court does not accept Defendants’ argument that they could not have
20 known they would need to file an overlength brief until the moment the reply was filed.
21 Defendants filed a forty-four page Motion in Limine seeking to exclude twenty-seven categories
22 of evidence. Thus, Defendants’ apparent need to file an overlength reply brief should have been
23 apparent from the outset. Moreover, this is the second time Defendants have sought relief from
24 the Court’s brief limitations the moment a brief was due. (Doc. 182.) The Court does not
25 condone Defendants’ practice of asking for forgiveness rather than advance permission.

26 Finally, having thoroughly reviewed all the parties’ moving and opposition papers
27 concerning both parties’ Motions in Limine, the Court has determined it does not require reply
28 briefs. Responses to oppositions may be raised at the November 19, 2013 hearing.

1 Based on the foregoing, the Court ORDERS as follows:

2 1. Defendants' *ex parte* application to file an overlength brief (Doc. 185) is
3 DENIED;

4 2. Defendants' Reply in support of Defendants' Motion in Limine (Doc. 186) is
5 STRICKEN;

6 3. Plaintiffs' Reply in Support of Plaintiffs' Motion in Limine (Doc. 187) is
7 STRICKEN;

8 4. No further briefing is required.

9 IT IS SO ORDERED.
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11 Dated: November 13, 2013

/s/ Barbara A. McAuliffe
12 UNITED STATES MAGISTRATE JUDGE
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