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14 **UNITED STATES DISTRICT COURT**
15 **EASTERN DISTRICT OF CALIFORNIA**

16 THOMAS T. HAWKER; JOHN J.
17 INCANDELA; DAVE KRAECHAN;
18 EDWIN JAY LEE; EDWARD J. ROCHA;
and FEDERAL DEPOSIT INSURANCE
CORPORATION, as Receiver,

19 Plaintiffs,

20 vs.

21 BANCINSURE, INC. and DOES 1 through
22 10, inclusive

23 Defendants.

Case No.: CV F 12-1261-SAB

**JOINT APPLICATION FOR ORDER
TO ALLOW REPLY BRIEFS FOR
SUMMARY JUDGMENT IN EXCESS
OF PAGE LIMIT**

1 The undersigned parties, through their counsel, hereby apply for leave to file reply
2 briefs to their cross-motions for summary judgment of not more than fifteen (15) pages.
3 This Court's Standing Order limits reply briefs to ten (10) pages unless leave is granted
4 by the Court. Standing Order, ¶ 9. The Parties believe that good cause exists for this
5 Court to grant the filing of briefs in excess of the ten-page limit because of the
6 complexity of the legal and factual issues presented by the cross-motions. Specifically,
7 this Application is based on the following facts:

8 1. The FDIC-R filed its Motion for Partial Summary Judgment on January 31,
9 2014. Docket no. 76. BancInsure concurrently filed its Motion for Summary
10 Adjudication on the same date. Docket no. 74.

11 2. On March 7, 2014, the FDIC-R and BancInsure each filed opposition briefs
12 to the respective motions. Docket nos. 91, 97. The FDIC-R's reply to BancInsure's
13 Motion for Partial Summary Judgment and BancInsure's reply to the FDIC-R's Motion
14 for Summary Adjudication are both due on March 26, 2014. Docket No. 90 (Fourth
15 Amended Scheduling Order). The Motions are scheduled to be heard before this Court
16 on April 2, 2014 at 9:30am. *Id.*

17 3. Pursuant to this Court's Standing Order, the page limit for reply briefs for
18 motions other than those brought under Local Rule 251 is ten (10) pages. Standing
19 Order, ¶ 9.

20 4. The Parties have met-and-conferred regarding the page limitation for the
21 reply briefs, and believe that good cause exists for the filing of briefs in excess of the ten-
22 page limit due to the complexity of the facts and law at issue, and given the extensive
23 evidence presented in this case. The Parties also believe extended briefing will be
24 beneficial to the Court because it will permit a more thorough legal and factual analysis
25 of the issues raised in the motion and opposition papers.

26 5. Accordingly, the Parties stipulate to and respectfully request that the Court
27 issue an Order that permits reply briefing to exceed ten (10) pages, but not to exceed fifteen
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1 (15) pages. However, the parties are also mindful of the Court's busy schedule, and will
2 use their best efforts to be as concise as possible in this reply briefing.

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4 DATED: March 18, 2014

HINSHAW & CULBERTSON LLP

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6 By: /s/ Edward F. Donohue
7 Edward F. Donohue
8 Attorneys for Defendant BancInsure, Inc.

9 DATED: March 18, 2014

NOSSAMAN LLP

10
11 By: /s/ James H. Vorhis
12 James H. Vorhis
13 Attorneys for Federal Deposit Insurance
14 Corporation as Receiver for County Bank,
15 Plaintiff as assignee of certain claims

16 DATED: March 18, 2014

JOSEPH & COHEN, A P.C.

17 By: /s/ Jonathan M. Cohen
18 Jonathan M. Cohen
19 Attorneys for the Insureds

20 IT IS SO ORDERED.

21 Dated: March 19, 2014

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UNITED STATES MAGISTRATE JUDGE