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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW G. GREGORY, et al.,
Plaintiffs,
v.
FRESNO COUNTY, et al.,
Defendants.

Case No. 1:18-cv-00524-LJO-SAB
ORDER DENYING PLAINTIFFS’
REQUESTS TO EXCEED THE PAGE
LIMITS FOR THEIR OPPOSITIONS TO
DEFENDANTS’ MOTIONS TO DISMISS
(ECF Nos. 35, 36)

On April 16, 2018, Plaintiffs Matthew G. Gregory, Danella J. Gregory, Gina D. Gregory, Matthew J. Gregory, and Wounded Warriors Support Group (collectively “Plaintiffs”) filed this civil rights action pursuant to 42 U.S.C. § 1983 against Defendants Fresno County, Lisa Smittcamp, and Jeffrey Dupras (collectively “County Defendants”) and Xavier Becerra, Julianne Mossler, Elizabeth S. Kim, Tanya M. Ibanez, The Registry of Charitable Trusts, Kamala Harris, David Eller, Walter Garcia, and the Department of Justice (collectively “State Defendants”).

On June 6, 2018, the State Defendants filed a request to exceed the page limits for their moving and reply briefs in connection with their motion to dismiss. (ECF No. 17.) On June 12, 2018, the State Defendants were granted a ten-page extension for their points and authorities in support of their motion to dismiss. (ECF No. 18.) In that order, the Court stated that an extension of the page limits is warranted in the interest of judicial efficiency, so that the Court has the benefit of some briefing on all issues. The Court noted that “[i]n the interest of fairness,

1 the page limit for any opposition shall likewise be extended by however many pages the motion
2 to dismiss actually exceeds the 25 page limit. The same extension ruling applies to the reply.”

3 On June 27, 2018, the State Defendants filed a motion to dismiss and request for judicial
4 notice. (ECF Nos. 21 and 22.) On June 29, 2018, the motion to dismiss was referred to the
5 undersigned for the preparation of findings and recommendations. (ECF No. 23.) On July 3,
6 2018, the County Defendants filed a motion to dismiss and request for judicial notice. (ECF No.
7 25.) On July 5, 2018, the motion to dismiss was referred to the undersigned for the preparation
8 of findings and recommendations. (ECF No. 26.)

9 On July 17, 2018, Plaintiffs filed requests to exceed the page limits for their oppositions
10 to the motions to dismiss. (ECF Nos. 35, 36.)

11 Plaintiffs seek a 15-page extension of the 25-page limit for the opposition to the State
12 Defendants’ motion to dismiss. (ECF No. 35.) Plaintiffs state that they anticipate that they will
13 need the additional pages to address the volume of information and contentions. The points and
14 authorities in the State Defendants’ motion to dismiss is 33 pages. Pursuant to the June 12, 2018
15 order, Plaintiffs have already been allowed to file a 33-page points and authorities in the
16 opposition to the State Defendants’ motion to dismiss. Plaintiffs have not shown good cause for
17 an extension beyond the 33-page limit for the points and authorities in the opposition to the State
18 Defendants’ motion to dismiss, so the Court denies Plaintiffs’ request for an extension of the
19 page limit for the opposition to the State Defendants’ motion to dismiss.

20 Plaintiffs seek a 12-page extension of the 25-page limit for the opposition to the County
21 Defendants’ motion to dismiss. (ECF No. 36.) The points and authorities in the County
22 Defendants’ motion to dismiss is 21 pages. While Plaintiffs point out that the complaint is 118
23 pages and contains 11 causes of action, the County Defendants are not named in all of the causes
24 of action. The only claims against the County Defendants are the fifth cause of action for First
25 Amendment retaliation under 42 U.S.C. § 1983, the sixth cause of action for additional damages
26 for violations of United States Constitutional Rights and the California Government Code under
27 42 U.S.C. § 1983, the seventh cause of action for stigma-plus under 42 U.S.C. § 1983, the eighth
28 cause of action for injunctive relief for violations of United States Constitutional Rights under 42

1 U.S.C. § 1983, and the ninth cause of action for denial of the right of privacy under the
2 California Constitution. While there are multiple issues in the County Defendants' motion to
3 dismiss, it appears that all of the arguments can be addressed in a points and authorities that is at
4 most 25 pages. Plaintiffs have not pointed to any specific issues that require significant briefing
5 beyond the amount of briefing in the motion to dismiss by the County Defendants. Therefore,
6 Plaintiffs have not shown good cause to extend the 25-page limit for their opposition to the
7 County Defendants motion to dismiss.

8 Accordingly, it is HEREBY ORDERED that Plaintiffs' requests to extend the page limits
9 for the oppositions to the motions to dismiss (ECF Nos. 35, 36) are DENIED. Plaintiffs' points
10 and authorities in the opposition to the State Defendants' motion to dismiss shall not exceed 33
11 pages and the points and authorities in the opposition to the County Defendants' motion to
12 dismiss shall not exceed 25 pages. Plaintiffs may file a renewed request with additional
13 information in an attempt to show good cause for an extension of these page limits.

14 IT IS SO ORDERED.

15 Dated: July 19, 2018

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18 UNITED STATES MAGISTRATE JUDGE
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