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4 UNITED STATES DISTRICT COURT  
5 FOR THE EASTERN DISTRICT OF CALIFORNIA  
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7 MICHAEL SCOTT TAYLOR, et al.,

8 Plaintiffs,

9 v.

10 COUNTY OF CALAVERAS, et al.,

11 Defendants.

Case No. 1:18-cv-00760-BAM

ORDER GRANTING PLAINTIFFS' EX  
PARTE APPLICATION FOR ORDER  
PERMITTING FILING MOTION FOR  
PARTIAL SUMMARY JUDGMENT IN  
EXCESS OF 25 PAGES

(Doc. No. 82)

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13 Currently before the Court is Plaintiffs Michael Scott Taylor and Lori Melville's  
14 ("Plaintiffs") ex parte application for leave to file a brief in support of their motion for partial  
15 summary judgment in excess of twenty-five (25) pages. (Doc. No. 82.)

16 This action arises out of a June 24, 2017 contact between three Calaveras County  
17 Sheriff's Department deputies and Plaintiffs following Plaintiffs' neighbors call for service of a  
18 gunshot too close to the neighbor's dwelling. (*See* Doc. No. 82 at 1.) In support of the  
19 application, counsel for Plaintiffs filed a declaration explaining that Plaintiffs have prepared a  
20 motion for partial summary judgment regarding alleged violations of Plaintiff Michael Scott  
21 Taylor's First and Fourth Amendment rights and Plaintiff Lori Melville's Fourth Amendment  
22 rights during the June 24, 2017 contact as well as state law claims for false arrest/false  
23 imprisonment and violation of the Bane Act. (*Id.* at 2.) As part of the motion, Plaintiffs address  
24 issues regarding their home's curtilage, the legality of entry upon Plaintiffs' property, exigency,  
25 emergency, consent, "knock and talk" exceptions to the warrant requirement, probable cause  
26 for Mr. Taylor's arrest, and qualified immunity, among other topics. (*Id.*) Plaintiffs represent  
27 that their statement of undisputed material facts includes one hundred and thirty-six (136) facts  
28 and the motion presently totals thirty-five (35) pages. (*Id.*)

1 Plaintiffs request leave to file a brief not to exceed thirty-five pages in support of their  
2 motion for partial summary judgment. (Doc. No. 83 at 3.) According to the application,  
3 Defendants' counsel has indicated that he has no opposition to the request. (*Id.* at 3.)

4 Having considered Plaintiffs' request, and in light of the representation that Defendants  
5 do not oppose the application, the Court will grant Plaintiffs leave to file a brief in excess of  
6 thirty-five pages. The brief shall contain a detailed table of contents. However, Plaintiffs are  
7 reminded of their obligation to meet and confer with Defendants prior to filing their motion in  
8 order to, among other things, narrow the issues for review by the Court and arrive at a joint  
9 statement of undisputed facts. (*See* Doc. No. 32 at 3-4.)

10 Accordingly, IT IS HEREBY ORDERED:

11 1. Plaintiffs' ex parte application (Doc. No. 82) seeking leave to file a brief in  
12 support of their motion for partial summary judgment in excess of twenty-five (25) pages is  
13 GRANTED; and

14 2. Plaintiffs' brief in support of their motion for partial summary judgment shall not  
15 exceed thirty-five (35) pages.

16 IT IS SO ORDERED.

17 Dated: July 16, 2020

18 /s/ Barbara A. McAuliffe  
19 UNITED STATES MAGISTRATE JUDGE  
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