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Attorneys for Plaintiffs

14 UNITED STATES DISTRICT COURT  
 15 EASTERN DISTRICT OF CALIFORNIA  
 16 SACRAMENTO DIVISION  
 17

18 JERRY VALDIVIA, et al.,  
 19 Plaintiffs,  
 20 v.  
 21 EDMUND G. BROWN, JR., et al.,  
 22 Defendants.  
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Case No. Civ. S-94-0671 LKK-GGH  
**PLAINTIFFS’ APPLICATION TO  
 EXCEED PAGE LIMIT IN  
 PLAINTIFFS’ OBJECTIONS TO  
 THIRTEENTH REPORT OF THE  
 SPECIAL MASTER ON THE STATUS  
 AND CONDITIONS OF THE  
 REMEDIAL ORDER; DECLARATION  
 OF KENNETH M. WALCZAK IN  
 SUPPORT THEREOF**  
 Judge: Hon. Lawrence K. Karlton

[717742-4]

1 **APPLICATION**

2 Plaintiffs Jerry Valdivia, et al. hereby apply for an order allowing Plaintiffs to  
3 exceed the page limit for their Objections to the Thirteenth Report of the Special Master on  
4 the Status and Conditions of the Remedial Order (“Thirteenth Report”).

5 Plaintiffs respectfully submit that good cause exists to allow them to exceed the  
6 thirty (30) page limitation as set forth in the Honorable Judge Karlton’s standing order  
7 because responding to the many findings and conclusions in the Thirteenth Report (and  
8 responding to the substantial body of evidence upon which the Thirteenth Report relies)  
9 requires Plaintiffs to file a detailed brief which will take more than the number of pages  
10 normally allotted. Unlike in previous reports of the Special Master, the Thirteenth Report  
11 relies in part on the information and conclusions presented in Defendants’ omnibus  
12 Compliance Assessment Report (“CAR”), which consists of 8,028 pages, including all  
13 exhibits. The complex data analyses and lengthy discussions of Defendants’ compliance  
14 that appear in the CAR and the seventy-three page Thirteenth Report necessitate a  
15 similarly comprehensive response from Plaintiffs which can only be accomplished if  
16 Plaintiffs are permitted to exceed the thirty (30) page limitation.

17 Despite a good faith effort by Plaintiffs to comply with the page limitation,  
18 Plaintiffs seek leave to file a memorandum of Plaintiffs’ Objections to the Thirteenth  
19 Report of sixty (60) pages in order to adequately address all the necessary issues raised  
20 within Thirteenth Report. Defendants have indicated they will not oppose Plaintiffs’  
21 Application. *See* Declaration of Kenneth M. Walczak, ¶ 3. Based upon the foregoing,  
22 Plaintiffs submit good cause exists, and thus the Court should grant this Application.

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DATED: January 25, 2013

Respectfully submitted,

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Kenneth M. Walczak  
Kenneth M. Walczak

Attorneys for Plaintiffs

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**DECLARATION OF KENNETH M. WALCZAK**

I, Kenneth M. Walczak, declare:

1. I am an attorney admitted to practice law in California, a member of the bar of this Court, and an associate in the law firm of Rosen, Bien & Galvan LLP, counsel of record for Plaintiffs. I have personal knowledge of the matters set forth herein, and if called as a witness I could competently so testify. I make this declaration in support of Plaintiffs’ Application to Exceed Page Limit in Plaintiffs’ Objections to Thirteenth Report of the Special Master on the Status and Conditions of the Remedial Order (“Thirteenth Report”).

2. The Thirteenth Report is seventy-three (73) pages, and contains complex data analyses, lengthy discussions of Defendants’ policies and practices and Plaintiffs’ monitoring, and eight findings of substantial compliance with which Plaintiffs respectfully disagree. Plaintiffs have in good faith attempted to address the complex issues raised by the Thirteenth Report within the page limitation provided in the Honorable Judge Karlton’s standing order. Plaintiffs require sixty (60) pages for their Objections to the Thirteenth Report of the Special Master on the Status and Conditions of the Remedial Order in order to adequately address all of the necessary issues raised within Thirteenth Report.

3. On January 24, 2013, I emailed Samantha Wolff, counsel for Defendants, requesting that Defendants stipulate to a Proposed Order expanding the length of both parties’ briefs regarding the Thirteenth Report to fifty-five pages. By an email of this same date, Defendants declined to stipulate to expand the page limitation, but stated that they would not object to Plaintiffs’ seeking an extension of the page limit from the Court. A true and correct copy of this January 24, 2013 email exchange is attached hereto as

**Exhibit A.**

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I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct, and that this declaration is executed at San Francisco, California this 25th day of January, 2013.

*/s/ Kenneth M. Walczak*  
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Kenneth M. Walczak


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**ORDER**

Proof of good cause having been made to the satisfaction of this Court that the application sought for Plaintiffs' application to exceed the page limit for their Objections to Thirteenth Report of the Special Master on the Status and Conditions of the Remedial Order should be granted, IT IS ORDERED that the application is GRANTED. Plaintiffs may submit Objections not to exceed sixty (60) pages.

IT IS SO ORDERED.

Dated: January 29, 2013.

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT