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 JEREMY GILMORE AND DANA GILMORE

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 8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA
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 12 JEREMY GILMORE AND DANA
 GILMORE,
 13 Plaintiffs,
 14 v.
 15 UNION PACIFIC RAILROAD
 COMPANY, DENNIS MAGURES,
 16 JOHN PARKER, CAROLYN M.
 WILL, ANDREW RIBBING and
 17 LEO MARIN and DOES 1 through
 18 10, inclusive,
 19 Defendants.

No. 2:09 CV 2180 KJM DAD

**PLAINTIFFS' REQUEST FOR
 PAGE LIMITATION EXTENSION
 FOR OPPOSITION TO UNION
 PACIFIC'S MOTION FOR
 SUMMARY JUDGMENT; ORDER
 THEREON**

The Honorable Kimberly J. Mueller

TRIAL DATE: August 15, 2011

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 21 Plaintiffs' JEREMY and DANA GILMORE hereby request that the Court allow Plaintiffs
 22 to file an opposition to Union pacific's motion for summary judgment in this matter that exceeds
 23 the page limitation of twenty (20) pages set forth in the Court's Amended Pretrial Scheduling
 24 Order dated March 18, 2011. There is good cause to allow Plaintiffs' to file a supporting
 25 memorandum in excess of the page limitation for the following reasons:

26 Union Pacific has filed a thirty (30) page motion for summary judgment, seeking
 27 summary judgment and/or summary adjudication on all of Plaintiffs' existing causes of action:
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1 Plaintiff Jeremy Gilmore's claim for personal injury under the Federal Employers Liability Act;
2 Jeremy's claim for wrongful discharge in violation of public policy, as stated in the California
3 Labor Code section 132(a) and pursuant to 49 U.S.C. section 20109; Dana's claim for wrongful
4 termination in violation of public policy, based on her Constitutional right to privacy; Dana's
5 retaliation claim; and Plaintiffs' joint invasion of privacy claim. Plaintiffs are prepared to
6 oppose Union Pacific's arguments, but cannot sufficiently nor adequately do so in only twenty
7 (20) pages.

8 Given the nature of the claims presented and the arguments set forth in Union Pacific's
9 moving papers, Plaintiffs require more than twenty (20) pages to fully present their opposition
10 in their responsive memorandum. The arguments of Union Pacific raise issues of constitutional
11 dimensions including the separation of powers doctrine and also difficult preclusion/preemption
12 issues. These cannot be adequately addressed within the existing page limitation. Plaintiffs
13 believe they can adequately address all issues raised by Union Pacific in a memorandum of not
14 more than thirty (30) pages. Plaintiffs hereby request that the Court grant an extension of the
15 page limitation to thirty (30) pages, in light of the circumstances of the case and the issues
16 presented by Union Pacific's moving papers.

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18 Dated: May 20, 2011


LARRY LOCKSHIN, ESQ.
A Law Corporation

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21 By: /s/ Jennifer Marsh
Jennifer Marsh
Attorneys for Plaintiffs JEREMY
22 GILMORE AND DANA GILMORE

23 **ORDER**

24 IT IS SO ORDERED.

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26 Dated: May 24, 2011.


UNITED STATES DISTRICT JUDGE