

P O R T E R | S C O T T

A PROFESSIONAL CORPORATION
Terence J. Cassidy, SBN 99180
John R. Whitefleet, SBN 213301
350 University Ave., Suite 200
Sacramento, California 95825
TEL: 916.929.1481
FAX: 916.927.3706

Attorneys for Defendants COUNTY OF SUTTER, COUNTY OF YUBA, J. PAUL PARKER, TOM SHERRY, AMERJIT BHATTAL, BRAD LUZ, JOHN S. ZIL, CHRISTOPHER BARNETT, and SADOUTOUNNISSA MEER

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

ESTATE OF RODNEY LOUIS BOCK, deceased, by and through CYNDIE DENNY BOCK, as Administrator; KIMBERLY BOCK; KELLIE BOCK HILLARY BOCK; M.B. minor through her mother and guardian ad litem Cyndie Denny Bock; LAURA LYNN BOCK; and ROBERT BOCK,

CASE NO: 2:11-cv-00536-MCE-GGH

DEFENDANTS' EX PARTE APPLICATION TO EXCEED PAGE LIMITS FOR MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF MOTION TO DISMISS; DECLARATION IN SUPPORT THEREOF ; [PROPOSED] ORDER

Plaintiffs,

vs.

COUNTY OF SUTTER; COUNTY OF YUBA; J. PAUL PARKER, Sutter County Sheriff's Department Sheriff; TOM SHERRY, Director of Human Services of Sutter and Yuba Counties; AMERJIT BHATTAL, Assistant Director of Human Services-Health Division of Sutter and Yuba Counties; BRAD LUZ, Assistant Director of Human Services-Mental Health of Sutter and Yuba Counties; JOHN S. ZIL; CHRISTOPHER BARNETT; SADOUTOUNNISSA MEER; and Does 1 through XL inclusive,

Defendants.

I.

APPLICATION

Defendants COUNTY OF SUTTER, COUNTY OF YUBA, J. PAUL PARKER, TOM SHERRY, AMERJIT BHATTAL, BRAD LUZ, JOHN S. ZIL, CHRISTOPHER BARNETT,

1 and SADOUTOUNNISSA MEER(hereinafter collectively “Defendants”) hereby apply for
2 an order allowing Defendants to exceed the page limit for a memorandum of points and
3 authorities in support of their Motion Dismiss.

4 Defendants respectfully submit that good cause exists to allow them to exceed the
5 twenty (20) page limitation as set forth in the Order Requiring Joint Status Report dated
6 February 25, 2011 (p.4:1-3, Docket Entry No. 5) because the nature of claims involving both
7 federal constitutional claims and state law claims, as against multiple defendants both
8 individual and entities, together with the affirmative defenses and immunities that arise from
9 said pleadings, render it impossible to address the complicated issues raised by Plaintiffs’
10 thirty-nine (39) page complaint that contains eleven express claims for relief, within the page
11 limitation provided in the Order Requiring Joint Status Report dated February 25, 2011.
12 Despite a good faith effort by Defendants to comply with the page limitation, it was
13 impossible to do so while sufficiently addressing all the necessary issues raised within the
14 operative complaint in approximately twenty-four (24) pages. Based upon the foregoing,
15 Defendants submit good cause exists, and thus the Court should grant this Application.

16
17 DATED: June 28, 2011

Respectfully submitted,
PORTER SCOTT
A Professional Corporation

18
19 By /s/ John R. Whitefleet
20 Terence J. Cassidy
21 John R. Whitefleet
22 Attorney for Defendants
23
24
25
26
27
28

1 **II.**

2 **DECLARATION OF JOHN R. WHITEFLEET**

3 I, John R. Whitefleet, declare:

4 1. I am an attorney at law licensed to practice before all the courts in the State of
5 California and the United States District Court, Eastern District of California and am a
6 shareholder with the law firm of Porter Scott, a Professional Corporation, attorneys for
7 Defendants in the above-titled matter.

8 2. The operative complaint of Plaintiffs is thirty-nine (39) pages that contains
9 eleven express claims for relief, several embedded claims, involving both federal
10 constitutional claims and state law claims, as against multiple defendants both individual and
11 entities. Defendants have in good faith attempted to address the complicated issues raised
12 by Plaintiffs' operative complaint within the page limitation provided by the Order Requiring
13 Joint Status Report dated February 25, 2011. Sufficiently addressing the deficiencies in these
14 claims, together with potential affirmative defenses and immunities, Defendants anticipate
15 filing a Motion to Dismiss that is approximately twenty-four (24) pages.

16 3. Accordingly, on behalf of Defendants, I respectfully request leave to exceed
17 the page limitations provided by the Order Requiring Joint Status Report dated February 25,
18 2011.

19 I declare under penalty of perjury under the laws of the State of California, that the
20 foregoing is true and correct and if called to testify as a witness in this matter I can and will
21 testify competently as to the matters of fact contained herein based upon my personal
22 knowledge. Executed this 28th day of June, 2011, at Sacramento, California.

23
24 /s/ John R Whitefleet
25 John R. Whitefleet
26
27
28

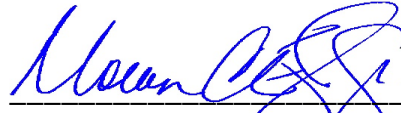
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Proof of good cause having been made to the satisfaction of this Court that the application sought for Defendants to exceed the page limit for a memorandum of points and authorities in support of their Motion to Dismiss should be granted, IT IS SO ORDERED that the application be, and hereby is, GRANTED. Defendants' points and authorities are not to exceed twenty-five (25) pages in length.

IT IS SO ORDERED.

Dated: June 28, 2011



MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE