

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

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6 Attorneys for Defendants COUNTY OF SUTTER, COUNTY OF YUBA, J. PAUL  
7 PARKER, DAVID SAMSON, NORMAN BIDWELL, JOHN S. ZIL, CHRISTOPHER  
8 BARNETT, BOBBY JOE LITTLE, DAVID CALAPINI, SHAUN FLIEHMAN, KATY  
9 MULLIN, and DONISE MCGINNIS (erroneously sued as Denise McGinnis)

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

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

16 Plaintiffs,

17 vs.

18 COUNTY OF SUTTER; COUNTY OF  
19 YUBA; J.PAUL PARKER, Sutter County  
20 Sheriff's Department Sheriff; DAVID  
21 SAMSON, Sutter County Jail Division  
22 Commander; NORMAN BIDWELL,  
23 Sutter County Jail Corrections Lieutenant;  
24 JOHN S. ZIL; CHRISTOPHER  
25 BARNETT; BOBBY JOE LITTLE;  
26 DAVID CALAPINI; SHAUN  
27 FLIEHMAN; R.C.; KATY MULLIN;  
28 DENISE MCGINNIS; SUTTER  
COUNTY JAIL FACILITY MANAGER;  
and Does I through XL, inclusive,

25 Defendants.

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  
THIRD AMENDED COMPLAINT;  
DECLARATION IN SUPPORT  
THEREOF ; ORDER THREON**

26 **I.**

27 **APPLICATION**

28 Defendants COUNTY OF SUTTER, COUNTY OF YUBA, J. PAUL PARKER,

1 DAVID SAMSON, NORMAN BIDWELL, JOHN S. ZIL, CHRISTOPHER BARNETT,  
2 BOBBY JOE LITTLE, DAVID CALAPINI, SHAUN FLIEHMAN, KATY MULLIN, and  
3 DONISE MCGINNIS (erroneously sued as Denise McGinnins) (hereinafter collectively  
4 “Defendants”) hereby apply for an order allowing Defendants to exceed the page limit for  
5 a memorandum of points and authorities in support of their Motion Dismiss the Third  
6 Amended Complaint.

7 Defendants respectfully submit that good cause exists to allow them to exceed the  
8 twenty (20) page limitation as set forth in the Order Requiring Joint Status Report dated  
9 February 25, 2011 (p.4:1-3, Docket Entry No. 5) because the nature of claims involving both  
10 federal constitutional claims and state law claims, as against multiple defendants both  
11 individual and entities, together with the affirmative defenses and immunities that arise from  
12 said pleadings, render it impossible to address the complicated issues raised by Plaintiffs’  
13 eighty-six (86) page complaint that contains eleven express claims for relief, within the page  
14 limitation provided in the Order Requiring Joint Status Report dated February 25, 2011.  
15 Despite a good faith effort by Defendants to comply with the page limitation, it was  
16 impossible to do so while sufficiently addressing all the necessary issues raised within the  
17 operative complaint in approximately twenty-five (25) pages. Based upon the foregoing,  
18 Defendants submit good cause exists, and thus the Court should grant this Application.

19  
20 DATED: April 25, 2012

Respectfully submitted,  
PORTER SCOTT  
A Professional Corporation

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23 By /s/ John R. Whitefleet  
Terence J. Cassidy  
John R. Whitefleet  
Attorney for Defendants  
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**II.**

**DECLARATION OF JOHN R. WHITEFLEET**

I, John R. Whitefleet, declare:

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

2. The operative complaint of Plaintiffs is eighty-six (86) pages that contains eleven express claims for relief, several embedded claims, involving both federal constitutional claims and state law claims, as against multiple defendants both individual and entities. Defendants have in good faith attempted to address the complicated issues raised by Plaintiffs' operative complaint within the page limitation provided by the Order Requiring Joint Status Report dated February 25, 2011. Sufficiently addressing the deficiencies in these claims, together with potential affirmative defenses and immunities, Defendants anticipate filing a Motion to Dismiss that is approximately twenty-five (25) pages.

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

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct and if called to testify as a witness in this matter I can and will testify competently as to the matters of fact contained herein based upon my personal knowledge. Executed this 25 day of April, 2012, at Sacramento, California.

/s/ John R Whitefleet  
John R. Whitefleet

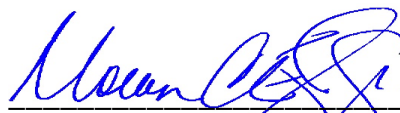
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**ORDER**

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 the Third Amended Complaint should be granted, IT IS SO ORDERED that the application be, and hereby is, GRANTED. Defendants may file points and authorities not to exceed thirty (30) pages in length; the same page restrictions apply to Plaintiff's opposition memorandum. A reply, if any, shall not be more than fifteen (15) pages.

IT IS SO ORDERED.

**Dated: April 27, 2012**



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**MORRISON C. ENGLAND, JR.**  
**UNITED STATES DISTRICT JUDGE**