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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
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12
 13 **TIMOTHY LARIOS,**

14 Plaintiff,

15 v.

16 **SCOTT LUNARDI, ET AL.,**

17 Defendants.
 18

2:15-cv-02451-MCE-CMK

**STIPULATED REQUEST FOR ORDER
 EXTENDING PAGE LIMITS FOR
 SUMMARY JUDGMENT BRIEFS AND
 ORDER THEREON**

Judge: Hon. Morrison C. England, Jr.
 Trial Date: None set.
 Action Filed: November 24, 2015

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 20 The Defendants and Plaintiff (the parties) in the above-captioned case stipulate and agree as
 21 follows:

22 1. Defendants in this action plan to file a Motion for Summary Judgment, or in the
 23 alternative, Motion for Summary Adjudication by October 7, 2019. This case involves two
 24 causes of action brought under 42 U.S.C. § 1983 and California Civil Code § 52.1 asserted
 25 against three individual defendants, Scott Lunardi, Kyle Foster, and Robert Jones. The central
 26 question in this case is whether Defendants violated the Fourth Amendment of the United States
 27 Constitution by inspecting Plaintiff Timothy Larios’s cell phone without obtaining a warrant.
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1 2. This Court’s standing order has a page limit for points and authorities of twenty pages
2 on all initial moving papers, twenty pages on oppositions, and ten pages for replies. The same
3 order requires that request for page limit increases must be made in writing with a proposed order
4 setting forth any and all reasons for an increase in page limit at least seven days prior to the filing
5 of the motion.

6 3. Defendants Scott Lunardi, Kyle Foster, and Robert Jones are preparing to move for
7 summary judgment. Although there are three individual defendants in the instant action, there is
8 overlap in the claims asserted against them. It would be inefficient and a waste of judicial
9 resources for Defendants to file three separate motions for summary judgment because the
10 motions would be needlessly repetitive. Accordingly, Defendants plan to consolidate their
11 respective arguments and evidence supporting summary judgment under one motion for summary
12 judgment. However, Defendants cannot adequately present their arguments and evidence, which
13 will need to detail a six month internal affairs investigation, within the twenty page limitation
14 imposed by this Court. Defendants anticipate that consolidating their arguments and evidence
15 supporting summary judgment under one motion—while maximizing efficiency and preservation
16 of judicial and state resources—will, however, necessitate an increase in the page limitation
17 imposed by this Court.

18 4. In light of the nature of the issues that must be addressed in this motion, the number
19 of parties, and the volume of material facts that must be adduced in the motion, the parties agree
20 there is good cause to extend the page limits for the parties’ briefs. The parties agree Defendants
21 may file a combined Memorandum of Points and Authorities in support of their Motion for
22 Summary Judgment not to exceed thirty-five pages, and a reply brief not to exceed twenty pages.
23 The parties agree Plaintiff may file an opposition brief not to exceed thirty-five pages.

24 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
25 parties, subject to the Court’s approval, that:

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1 Defendants' Memorandum of Points and Authorities in support of their Motion for
2 Summary Judgment shall not exceed thirty-five pages, and a reply brief shall not exceed twenty
3 pages, and Plaintiff's opposition brief shall not exceed thirty-five pages.
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5 Dated: September 27, 2019

Respectfully submitted,

6 XAVIER BECERRA
7 Attorney General of California
8 KRISTIN M. DAILY
9 Supervising Deputy Attorney General

10 */s/ William H. Downer*

11 WILLIAM H. DOWNER
12 Deputy Attorney General
13 *Attorneys for Defendants*

14 Dated: September 27, 2019

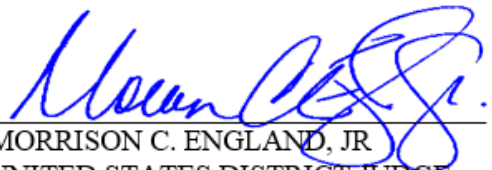
MICHAEL ACKERMAN
Michael Ackerman Law Office
ANTHONY BOSKOVICH
The Law Offices of Anthony Boskovich

17 */s/ Michael Ackerman, as authorized on*
18 *9/27/19*

19 MICHAEL ACKERMAN
20 *Attorneys for Plaintiff*

21 IT IS SO ORDERED.

22 Dated: September 30, 2019

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24 MORRISON C. ENGLAND, JR.
25 UNITED STATES DISTRICT JUDGE
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