

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

CONSERVATION CONGRESS,)	Case No. 11-4752-SC
ENVIRONMENTAL PROTECTION CENTER,)	
)	ORDER DENYING MOTION FOR
Plaintiffs,)	<u>LEAVE TO FILE EXCESS PAGES</u>
)	
v.)	
)	
NANCY FINLEY, UNITED STATES FISH)	
AND WILDLIFE SERVICE, TYRONE)	
KELLEY, and UNITED STATES FOREST)	
SERVICE,)	
)	
Defendants.)	
)	

Now before the Court is Defendants' Motion for Leave to File Excess Pages. ECF No. 47 ("Mot."). For the reasons set forth below, the Motion is DENIED.

On November 16, 2011, the Court set a briefing schedule in this matter, providing that each party's summary judgment briefing shall not exceed a total of seventy-five pages. ECF No. 14 ("Briefing Order"). Plaintiffs complied with the Briefing Order, filing a forty-five-page motion on April 2, 2012 and a thirty-page response on May 22, 2012. ECF Nos. 37, 44. Defendants have not complied. They filed a fifty-page cross-motion on May 11, 2012 and a thirty-five-page response brief on May 31, 2012, exceeding their page limit by ten pages. ECF Nos. 41, 51. About three hours before Defendants filed their reply brief, they filed the Motion for Leave to File Excess Pages. Plaintiffs filed an opposition to the Motion that same day. ECF No. 52.

1 As Plaintiffs point out, Defendants' Motion is inconsistent
2 with Local Civil Rule 7-4(b), which requires that such motions be
3 filed "prior to the due date." Further, Defendants' actions could
4 unfairly disadvantage Plaintiffs, who have complied with the
5 Court's Briefing Order.

6 Accordingly, Defendants' Motion is DENIED. By June 6, 2012,
7 Defendants shall file a revised version of their reply brief which
8 complies with the page limits set forth in the Court's Briefing
9 Order. If Defendants elect not to do so, the Court will review the
10 brief they filed on May 31, 2012, but will ignore the last ten
11 pages of that brief, i.e., that portion of the brief which exceeds
12 the page limits set forth in the Briefing Order.

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14 IT IS SO ORDERED.

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16 Dated: June 4, 2012

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19 UNITED STATES DISTRICT JUDGE
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