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

6 JAMIE J. MORRIS AND KATIE MORRIS,

No. C 09-2849 SBA

7 Plaintiffs,

**ORDER STRIKING PLAINTIFFS'  
OPPOSITION TO DEFENDANTS'  
MOTION TO DISMISS PLAINTIFFS'  
FIRST AMENDED COMPLAINT AND  
MOTION TO STRIKE**

8 v.

9 BANK OF AMERICA, successor due to the  
10 aquisition of Countrywide Home Loans and  
11 FEDERAL NATIONAL MORTGAGE  
ASSOCIATION a/k/a FANNIE MAE,

12 Defendants.  
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14 On January 8, 2010, plaintiffs, who are represented by legal counsel, filed a 38-page  
15 opposition to Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint Pursuant to  
16 Fed.R.Civ.P. 12(b)(6) and Motion to Strike Pursuant to Fed.R.Civ.P.12(f). The maximum length of  
17 an opposition brief is 25 pages. Civ. L.R. 7-3(a), 7-4(b). Because plaintiffs' opposition well exceeds  
18 the maximum page limit imposed by the Civil Local Rules, and plaintiffs have neither sought nor  
19 received leave to file an oversized brief, the Court strikes plaintiffs' response from the record. See  
20 Swanson v. U.S. Forest Serv., 87 F.3d 339, 345 (9th Cir. 1996).

21 In the interest of justice, however, the Court will grant plaintiffs leave to re-file a brief which  
22 conforms in all respects to applicable rules of procedure including, without limitation, the Court's  
23 Civil Local Rules. Although the maximum page limit for an opposition brief is 25-pages, it is not  
24 necessary for plaintiff to file a brief of that length. Indeed, "[o]verly long briefs . . . may actually  
25 hurt a party's case, making it 'far more likely that meritorious arguments will be lost amid the mass  
26 of detail.'" Fleming v. County of Kane, State of Ill., 855 F.2d 496, 497 (7th Cir. 1988) (quoting in  
27 part United States v. Keplinger, 776 F.2d 678, 683 (7th Cir. 1985)).

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Accordingly,


1 IT IS HEREBY ORDERED THAT:

2 1. Plaintiffs' opposition to Defendants' Motion to Dismiss Plaintiffs' First Amended  
3 Complaint Pursuant to Fed.R.Civ.P. 12(b)(6) and Motion to Strike Pursuant to Fed.R.Civ.P 12(f)  
4 [Docket No. 21] is STRICKEN from the record.

5 2. By no later than January 19, 2010, plaintiffs shall re-file their response to Defendants'  
6 Motion to Dismiss Plaintiffs' First Amended Complaint Pursuant to Fed.R.Civ.P. 12(b)(6) and  
7 Motion to Strike Pursuant to Fed.R.Civ.P 12(f). Said brief shall be no longer than 25 pages and shall  
8 conform in all respects to the applicable procedural rules. Failure to file a response in the manner  
9 and time prescribed by the Court will be deemed to be consent to the granting of defendants'  
10 motions.

11 IT IS SO ORDERED.

12 Dated: 1/14/10

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14 Sandra Brown Armstrong  
15 United States District Judge  
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