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8 UNITED STATES DISTRICT COURT  
9 SOUTHERN DISTRICT OF CALIFORNIA  
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11 WILLIAMS & COCHRANE, LLP, et al.,  
12 Plaintiffs,  
13 v.  
14 QUECHAN TRIBE OF THE FORT  
15 YUMA INDIAN RESERVATION, et al.,  
16 Defendants.

Case No.: 3:17-cv-01436-GPC-MDD

**ORDER REGARDING  
DEFENDANTS' RESPONSES TO  
ORDER TO SHOW CAUSE**

**[ECF Nos. 155, 156]**

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18 Defendants Robert Rosette, Rosette & Associates, PC, Rosette, LLP, and Richard  
19 Armstrong filed a Motion to Strike Plaintiffs' Sixth Claim for Relief and a separate  
20 Motion to Dismiss Plaintiffs' Fourth, Fifth, and Sixth Claims for Relief and to Strike  
21 Portions of the Second Amended Complaint. ECF Nos. 109, 110. Both Motions were  
22 noticed for the same hearing day, October 12, 2018. Defendants Quechan Tribe, Keeny  
23 Escalanti, and Mark White also filed a Motion to Dismiss. ECF No. 115.

24 On September 7, 2018, the Court issued an Order to Show Cause Regarding  
25 Defendants' Noncompliance with Local Rule 7.1(h). Defendants have promptly  
26 responded to the Court's Order. Local Rule 7.1(h) provides that briefs or memoranda in  
27 support of or in opposition to all motions noticed for the same motion day must not  
28 exceed 25 pages in length, per party, absent leave of the Court. As the Rosette

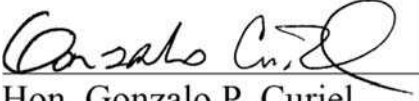
1 Defendants note, the Local Rules do not appear to speak on the matter, but courts within  
2 this district calculate page lengths by excluding caption pages and tables. *See, e.g., Freas*  
3 *v. BMW of N. Am., LLC*, No. 3:17-cv-01761-H-AGS, 2017 WL 6345393, at \*3 (S.D. Cal.  
4 Dec. 12, 2017). Accordingly, the Quechan Defendants’ Memorandum in support of their  
5 Motion to Dismiss complies with Local Rule 7.1(h). *See* ECF No. 115-1.

6 The Rosette Defendants are not in compliance. These Defendants have filed 25-  
7 page and 23-page briefs, excluding caption pages and tables, in support of motions  
8 noticed for the same day. ECF Nos. 109-1, 110-1. The Rosette Defendants retroactively  
9 request leave to exceed the page limit for their presently filed motions. ECF No. 155 at  
10 3. The Rosette Defendants note that Local Rule 7.1(h) limits memoranda to 25 pages  
11 “per party,” and that the Rosette Defendants comprise four parties. *Id.* But the Rosette  
12 Defendants have not explained if or how their memoranda addresses arguments unique to  
13 any of the Defendants, rather than just argumentation applicable to all Rosette  
14 Defendants, such that leave to exceed the page limit would be warranted.

15 However, given that Plaintiffs have filed their oppositions to the Rosette  
16 Defendants, the Court will allow Rosette Defendants excessive briefs in this instance.  
17 The Rosette Defendants “note that the parties appear to have fallen into this approach [of  
18 non-compliance] throughout the case.” ECF No. 155 at 3. Nevertheless, the Court is  
19 optimistic that, going forward, such practice will end. All parties are forewarned that  
20 they must comply with the brief length provided by the Local Rules or seek leave of the  
21 Court before filing an excessive brief. Failure to do so may result in the Court summarily  
22 denying the motion without further notice.

23 **IT IS SO ORDERED.**

24 Dated: September 10, 2018

25   
26 Hon. Gonzalo P. Curiel  
27 United States District Judge  
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