

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Judge Christine M. Arguello**

Civil Action No. 09-cv-00453-CMA-CBS

ALAN C. IVAR, an individual,  
DEBORAH L. IVAR, an individual, and  
CLIFFORD A. BERNSTEIN, an individual,

Plaintiffs,

v.

ELK RIVER PARTNERS, LLC, a Georgia limited liability company,  
DMB REALTY LLC, a Delaware limited liability company, d/b/a Marabou Realty,  
JEFFREY TEMPLE, an individual,  
JOHN HILLENBRAND, an individual,  
M & I MARSHALL and ILSLEY BANK, a Wisconsin Corporation, and  
DOES 1-100,

Defendants.

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**ORDER DENYING MOTION TO DISMISS**

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This matter is before the Court *sua sponte* on review of M&I Bank's Motion to Dismiss Plaintiffs' Second Amended Complaint (Doc. # 117).

M&I Bank's filings on this motion, including the 23 attachments, total **547 pages**. Given the issues involved, this is far too much. M&I Bank clearly disregarded this Court's Civil Practice Standards, which discourage lengthy briefing<sup>1</sup> and Local Civil Rule

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<sup>1</sup> "There are no page limits to motions and briefs (unless specifically ordered by the Court). However, keep in mind that, after 15-20 pages, the attention of the reader will begin to wander and the persuasiveness of your argument may be reduced. . . ." CMA Civ. Practice Standards III.A.1.

56.1(C), which discourages voluminous exhibits and requires that parties “limit exhibits to essential portions of documents.” D.C.COLO.LCivR 56.1(C).

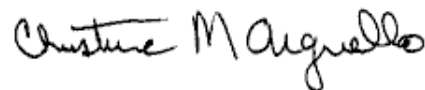
Based on this disregard, the Court DENIES WITHOUT PREJUDICE M&I Bank’s motion to dismiss (Doc. # 117).

If M&I Bank seeks to refile its motion, briefing shall be limited to 15 pages total for the motion and brief in support. This page limit includes the cover page, jurisdictional statement, statement of facts, procedural history, argument, authority, closing, signature block, and all other matters except the certificate of service.

If a response and reply are forthcoming, the response will be limited to 15 pages and the reply to 10 pages. Attachments shall be limited to only the essential excerpts necessary to the motion or response. Although the Court will not hold M&I Bank to a strict limit, the Court expects a significant reduction in attachments.

DATED: May 19, 2010

BY THE COURT:



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CHRISTINE M. ARGUELLO  
United States District Judge