

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Philip A. Brimmer

Civil Action No. 10-cv-01398-PAB-KLM

GENERAL STEEL DOMESTIC SALES, LLC,
d/b/a General Steel Corporation, a Colorado limited liability company,

Plaintiff,

v.

ETHAN DANIEL CHUMLEY, individually, and
ATLANTIC BUILDING SYSTEMS, LLC, a Delaware corporation,
doing business as Armstrong Steel Corporation,

Defendants.

ORDER

This matter is before the Court on Defendants' Motion to Strike Plaintiff's Motions for Summary Judgment [Docket No. 96] for failure to comply with Section III.F.3.a of this Court's Practice Standards and plaintiff General Steel's Motion for Leave to Exceed the Page Limitation for its Summary Judgment Briefs and Reply Briefs [Docket No. 98].

The Court's Practice Standards impose a twenty-page limitation on summary judgment motions. See Practice Standards (Civil cases), Judge Philip A. Brimmer § III.F.3.a. On October 3, 2011, plaintiff/counter defendant General Steel Domestic Sales, LLC ("General Steel") filed a motion for summary judgment [Docket No. 88] and brief in support [Docket No. 89] with a combined length exceeding twenty pages. The Court therefore struck [Docket No. 92] those filings and granted General Steel leave to file a complying motion. See Practice Standards (Civil cases), Judge Philip A. Brimmer

§ III.F.3.b.ix. (“Failure to follow these procedures will result in an order striking or denying the motion or brief, and it will have to be re-submitted.”). General Steel re-filed a twenty-page motion for summary judgment on October 4, 2011 [Docket No. 93].

In their motion to strike, defendants bring to the Court’s attention that General Steel filed an additional ten-page motion for partial summary judgment on October 3, 2011 [Docket No. 90]. The Court’s Practice Standards provide that, “[i]f a party elects to file more than one Rule 56 motion, then the motions . . . shall not exceed twenty pages total for all such motions (not each such motion) filed by that party.” Practice Standards (Civil cases), Judge Philip A. Brimmer § III.F.3.a. Therefore, General Steel’s two pending motions for summary judgment violate this page limitation.

General Steel seeks leave to exceed the Court’s page limitations, explaining why it has filed two separate motions for summary judgment. See Docket No. 98 at 3; see *also* Docket No. 97 at 3. Although General Steel has not specifically articulated why it requires more than a combined twenty pages for the two motions, and although its plaintiff-versus-counterclaim defendant theory is unpersuasive, the Court finds that permitting General Steel to exceed the page limitations by ten pages and to file two separate ten-page replies is justified here. Therefore, it is

ORDERED that Defendants’ Motion to Strike Plaintiff’s Motions for Summary Judgment [Docket No. 96] is DENIED. It is further

ORDERED that General Steel’s Motion for Leave to Exceed the Page Limitation for its Summary Judgment Briefs and Reply Briefs [Docket No. 98] is GRANTED.

DATED October 20, 2011.

BY THE COURT:

s/Philip A. Brimmer
PHILIP A. BRIMMER
United States District Judge