

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

STATE OF FLORIDA, by and  
through Bill McCollum, et al.,

Plaintiffs,

v.

Case No.: 3:10-cv-91-RV/EMT

UNITED STATES DEPARTMENT OF  
HEALTH AND HUMAN SERVICES,  
et al.,

Defendants.

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**ORDER**

The final scheduling order entered in this case provides that both sides are limited to fifty (50) pages for memoranda filed in support of, or in opposition to, any motion to dismiss or motion for summary judgment, and twenty-five (25) pages for reply briefs. Following the entry of the scheduling order --- and the Rule 16 conference during which those page limitations were discussed with counsel --- the plaintiffs filed an amended complaint and added several new parties and several new causes of action. In light of the plaintiffs' amended complaint, the defendants now move (unopposed) for leave for both sides to exceed the page limitations and file memoranda (related to the motion to dismiss) up to seventy-five (75) pages in length (doc. 49).

After review and consideration of the defendants' motion to exceed the page limits, and the amended complaint to which the motion to dismiss will be directed, I conclude that an extension of the page limitations for memoranda addressing the motion to dismiss by ten (10) pages is warranted, thereby giving both sides a total of sixty (60) pages to present their arguments. I believe that is more than

adequate. I note that sixty (60) pages is twice the length allowed for principal briefs in the federal Courts of Appeal [Fed. R. App. P. 32(a)(7)(A)], and it is one and a half times the length allowed for motions to dismiss in the Supreme Court of the United States [Sup. Ct. R. 33(2)(b)]. Therefore, the defendants' motion (doc. 49) is GRANTED to the extent noted above, and the page limitations for memoranda in support of, or in opposition to, the defendants' motion to dismiss are extended to a total of sixty (60) pages.

The reply brief will remain limited to twenty-five (25) pages.

DONE and ORDERED this 14<sup>th</sup> day of June, 2010.

*/s/ Roger Vinson* \_\_\_\_\_  
ROGER VINSON  
Senior United States District Judge