

**UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF ILLINOIS
 PEORIA DIVISION**

VILLAGE OF DEPUE, ILLINOIS, *a*)
municipal corporation,)
)
 Plaintiff,)
)
 v.)
)
 VIACOM INTERNATIONAL, INC. n/k/a/)
 CBS OPERATIONS, INC., and EXXON)
 MOBIL CORPORATION,)
)
 Defendants.)

Case No. 08-cv-1272

ORDER & OPINION

Before the Court are Plaintiff's Motion for Leave to File Plaintiff's Response to Defendants' Joint Motion to Dismiss with Excess Pages (Doc. 35), filed on November 6, 2009, and Motion to File Corrected Response to Defendants' Joint Motion to Dismiss (Doc. 36), filed on November 9, 2009. For the reasons stated below, both Motions are denied.

Local Rule 7.1.(B)(4) provides that "a memorandum...in response to a motion shall be double-spaced and shall not exceed 15 pages in length, unless...(1) it does not contain more than 7000 words or 45,000 characters, or (2) it uses monospaced type and does not contain more than 650 lines of text." In its Motion for Leave to File Plaintiff's Response to Defendants' Joint Motion to Dismiss with Excess Pages (Doc. 35), Plaintiff states that its Response is 8,235 words, which is in excess of the Local Rule's 7,000-word limit; Plaintiff tendered its Response as an Exhibit to this

Motion.¹ On November 9, 2009, Plaintiff filed its Motion to File Corrected Response to Defendants' Joint Motion to Dismiss, in which it states that, after reviewing the previous filing, it "added a Table of Contents, reviewed and corrected typographical errors in the document, added headings to the Introduction, and discussed additional authorities in Part II B 2 & D." (Doc. 36 at 1). The modified Response was also appended as an exhibit to the Motion. These corrections and additions increased the word count to 9,472.

Local Rule 7.1 does not grant the Court discretion to give leave to file pages in excess of the Rule's limitations. Unlike extensions of time, which are allowed by Local Rule 6.1, there is no Rule that allows for the Court to grant leave to file excess pages. In addition, Defendants' Memorandum in Support of their Motion to Dismiss, to which Plaintiff seeks to respond, is only 6,608 words, in compliance with Local Rule 7.1(B)(4). (Doc. 33 at 23). Though the case may present significant issues of fact and law, Defendants were able to comply with the requirements of the Rule; there seems to be no reason that Plaintiff could not do likewise in responding to Defendants' Motion. Therefore, Plaintiff's Response must conform to Local Rule 7.1(B)(4), and Plaintiff's Motion for Leave to File Plaintiff's Response to Defendants' Joint Motion to Dismiss with Excess Pages (Doc. 35) and Motion to File Corrected Response to Defendants' Joint Motion to Dismiss (Doc. 36) are denied.

¹ However, in its Local Rule 7.1 Certification following the tendered Response, Plaintiff's Counsel verifies that the Response's word count is 8,239. (Doc. 35, Ex. 1 at 27).

IT IS THEREFORE ORDERED:

1. Plaintiff's Motion for Leave to File Plaintiff's Response to Defendants' Joint Motion to Dismiss with Excess Pages (Doc. 35) is DENIED.
2. Plaintiff's Motion to File Corrected Response to Defendants' Joint Motion to Dismiss (Doc. 36) is DENIED.
3. Plaintiff's Response to Defendants' Joint Motion to Dismiss with Excess Pages SHALL conform to Local Rule 7.1(B)(4)'s limitations, and SHALL be filed on or before Thursday, November 12, 2009.

Entered this 9th day of November, 2009.

s/ Joe B. McDade

JOE BILLY McDADE
United States District Judge