

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

**In Re: RFC and RESCAP Liquidating
Trust Actions**

Civil File No. 13-3451 (SRN/HB)

ORDER

Order Regarding Typeface

SUSAN RICHARD NELSON

Before the Court are the parties' letters concerning Defendants' use of the Garamond font in their summary judgment and *Daubert* opening briefs. (*See* Pls.' April 10, 2018 Letter [Doc. No. 3405]; Defs.' April 10, 2018 Letter [Doc. No. 3407].) Plaintiffs contend that by using the Garamond typeface instead of Times New Roman, Defendants obtained the equivalent of a 10-page extension of the page limit for opening briefs. (Pls.' Letter at 1.) They request that Defendants refile their opening briefs, using Times New Roman font, and adhere to the Court's page limitations. (*Id.* at 1–2.) Alternatively, they seek a 20-page enlargement of the total number of Times New Roman pages that they may file, to be used in their forthcoming opposition and reply briefs. (*Id.* at 2.)

Defendants, however, argue that their use of the Garamond typeface does not violate the Local Rules or orders of this Court. (Defs.' April 10, 2018 Letter at 1–2.) They suggest that Plaintiffs refile their own briefs in Garamond font, or any other 13-point proportional typeface of Plaintiffs' choosing. (*Id.* at 2.) Alternatively, Defendants do not

object to a modest extension of Plaintiffs' page limits in their forthcoming briefs, but argue that a 20-page extension is "plainly disproportionate." (*Id.* at 2.)

Granted, the Local Rules do not specify the use of a particular typeface, although they proscribe the use of 13-point type size. *See* L.R. 7.1. Thus, Defendants have not violated any rule or order of the Court. However, throughout this litigation, the Court has afforded the parties equal opportunities to present their respective positions. By using a smaller font, Defendants obtained an advantage with respect to the page limitations imposed by the Court. The Court finds that Defendants' use of Garamond typeface, even in the same 13-point font size, resulted in approximately six additional pages of substantive argument. Accordingly, for the sake of parity, the Court permits Plaintiffs a six-page extension to be used as they see fit, in their forthcoming filings. Also, because the undersigned judge prefers the use of Times New Roman typeface, as it is easier to read, all future filings in this consolidated action, by all parties, including the upcoming opposition and reply memoranda, shall use 13-point, Times New Roman typeface.

SO ORDERED.

Dated: April 12, 2018

s/Susan Richard Nelson
SUSAN RICHARD NELSON
United States District Judge