

1 just cause . . . [f]ails to comply with [the Local Rules].)

2 Judges have not hesitated to strike or deny motions which violate the page limitations of LR
3 7-4. *See Romero v. Dep't of Corrections*, 2013 WL 6206705 *5 (D. Nev.) (noting that a prior
4 opposition had been stricken for failure to comply with LR 7-4); *Branch Banking and Trust Co. v.*
5 *Pebble Creek Plaza, LLC*, 2013 WL 6122387 (D. Nev.) (striking four separately filed motions for
6 summary judgment which, when taken together, exceeded the page limitation of LR 7-4 and
7 constituted an improper attempt to circumvent the rule); *Joson v. Bank of America*, 2013 WL
8 1249714 *3 (D. Nev.) (striking an opposition to a dispositive motion that exceeded the page
9 limitation of LR 7-4); *Olin Corp. v. Continental Cas. Co.*, 2012 WL 2884803 (D. Nev.) (denying
10 without prejudice several motions for summary judgment filed separated in an improper attempt to
11 circumvent LR 7-4). The Ninth Circuit has upheld the determination to strike briefs which run afoul
12 of page limitations set by local rules. *See King County v. Rasmussen*, 299 F.3d 1077, 1082 (9th Cir.
13 2002) (concluding that the district court acted appropriately in striking portions of a summary
14 judgment brief that exceeded the page limitations set by local rule). The Ninth Circuit has also
15 refused to consider briefing that exceeds its own rules regarding page limitations. *United States v.*
16 *Marchini*, 797 F.2d 759, 767 (9th Cir. 1986) (refusing to consider portions of appellate brief that
17 violated the rules regarding page limitations).

18 It is well within the Court's authority to strike a motion or briefing that exceeds the page
19 limitations of LR 7-4 if the filing party does not first obtain leave to file in excess of the presumptive
20 limitation. Generally speaking, even when the Court permits longer briefing it requires the inclusion
21 of a table of contents and table of authorities. *See* LR 7-4. There is no question that, in this
22 instance, Plaintiff's opposition (#58) violates the page limitation requirement of LR 7-4. The Court
23 would normally be inclined to strike the brief with instruction that the filing party obtain leave and
24 comply with the particulars of LR 7-4. The Court notes, however, that the response is handwritten
25 and, in all likelihood, would be substantially shorter were it typed. Additionally, Defendants indicate
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1 that an extension of time within which to file a reply brief would adequately cure any prejudice they
2 might encounter due to length of the response. The Court agrees that an extension is sufficient under
3 the circumstances. Accordingly,

4 **IT IS HEREBY ORDERED** that Defendants' Motion to Strike (#59) is **denied**.

5 **IT IS FURTHER ORDERED** that Defendants' request for an extension of time to file a
6 reply brief is **granted**. Defendants' reply shall be filed by **Friday, January 17, 2014**.

7 Dated: January 8, 2014.

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C.W. Hoffman, Jr.
UNITED STATES MAGISTRATE JUDGE