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7
 8 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

9 JOSHUA H. CRITTENDON,
 10
 Plaintiff,
 11 vs.
 12 JOE LOMBARDO, et al.,
 Defendants.

Case No.: 2:17-cv-1700-RFB-BNW

**PLAINTIFF’S MOTION TO EXCEED
 PAGE LIMIT AS TO:
 (1) PLAINTIFF’S REPLY TO
 DEFENDANT LARRY WILLIAMSON,
 M.D.’S RESPONSE IN OPPOSITION
 TO PLAINTIFF’S MOTION TO
 AMEND; AND
 (2) PLAINTIFF’S REPLY TO LVMPD
 DEFENDANTS’ RESPONSE TO
 PLAINTIFF’S MOTION TO AMEND**

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 17 Plaintiff Joshua H. Crittendon, by and through his counsel of record, Diana S. Ebron, Esq.,
 18 hereby files his Motion to Exceed Page Limit under LR 7-3. This motion is based on the
 19 Declaration of Diana S. Ebron, Esq., the following memorandum of points and authorities, the
 20 papers and pleading herein, any argument heard by the Court on this matter.

21 **DECLARATION OF DIANA S. EBRON, ESQ. IN SUPPORT**
OF PLAINTIFF’S MOTION TO EXCEED PAGE LIMIT

22 I, Diana S. Ebron, Esq., hereby declare as follows:

- 23 1. I am an attorney with the law firm of Kim Gilbert Ebron, and am admitted to practice in
 24 all courts in the State of Nevada and in this Court.
 25 2. I have personal knowledge of the facts set forth herein.
 26 3. I represent Plaintiff Joshua H. Crittendon (“Crittendon”) in the above-captioned matter.
 27 4. I submit this declaration in support of Plaintiff’s Motion to Exceed Page Limit.
 28 5. On January 20, 2021, Crittendon filed his Motion to Amend [ECF No. 223] (“Motion”).

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- 1 6. On February 3, 2021, Defendant Larry Williamson filed his response in opposition to
- 2 Crittendon’s Motion [ECF No. 226] (“Williamson’s Response”).
- 3 7. Williamson’s Response is 21 pages long, and raises at least seven distinct bases for
- 4 rejecting Crittendon’s Motion.
- 5 8. On February 3, 2021, the LVMPD Defendants filed their response in opposition to
- 6 Crittendon’s Motion [ECF No. 227] (“LVMPD’s Response”).
- 7 9. LVMPD’s Response is 20 pages long, and raises at least nine distinct bases for rejecting
- 8 Crittendon’s Motion.
- 9 10. Certain issues raised in Williamson’s Response and LVMPD’s Response require
- 10 particularly thorough discussion. This is especially true of the futility arguments—which
- 11 are tantamount to a separate motions to dismiss included within each response—as well as
- 12 extensive procedural arguments made in both briefs.
- 13 11. A 15 page reply as to Williamson’s Response and to LVMPD’s Response—excluding table
- 14 of contents, table of authorities, certificate of service, and any exhibits—is necessary for
- 15 Crittendon to fully articulate his position.
- 16 12. This motion is made for a proper purpose and supported by good cause, as set forth above.
- 17 I declare under penalty of perjury that the foregoing is true and correct.
- 18 Executed this 10th day of February, 2021.

/s/ Diana S. Ebron
Diana S. Ebron, Esq.

MEMORANDUM OF POINTS AND AUTHORITIES

22 On January 20, 2021, Crittendon filed his Motion to Amend [ECF No. 223] (“Motion”).
23 On February 3, 2021, Defendant Larry Williamson filed his response to Crittendon’s Motion [ECF
24 No. 226] (“Williamson’s Response”). On February 3, 2021, the LVMPD Defendants filed their
25 response to Crittendon’s Motion [ECF No. 227] (“LVMPD’s Response”). Crittendon’s replies to
26 Williamson’s Response and LVMPD’s Response are due February 10, 2021.

27 LR 7-3(a) allows 12 pages for a reply in support of a motion. Crittendon’s replies to
28 Williamson’s Response and LVMPD’s Response are each 15 pages in length. Consistent with LR

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1 7-3(c), this Motion to Exceed Page Limit is supported by a declaration stating the reasons
2 additional pages are needed and identifying the number of total pages needed as 15 for each reply,
3 excluding table of contents, table of authorities, certificate of service, and any exhibits.

4 This case involves, *inter alia*, constitutional claims of excessive force, failure to protect,
5 constitutional deliberate indifference to serious medical needs, first amendment retaliation, and
6 state law claims of assault and battery, and negligence and negligent hiring, retention, supervision,
7 and training. Williamson’s Response is 21 pages long, and raises at least seven distinct bases for
8 rejecting Crittendon’s Motion. LVMPD’s Response is 20 pages long, and raises at least nine
9 distinct bases for rejecting Crittendon’s Motion. Certain issues raised in Williamson’s Response
10 and LVMPD’s Response require particularly thorough discussion. This is especially true of the
11 futility arguments in both briefs, which are tantamount to a separate motions to dismiss included
12 within each response, and lengthy procedural arguments made in both briefs. Crittendon’s replies
13 only narrowly exceed the page limits set forth in LR 7-3.

14 To properly articulate his position, Crittendon requires a 15 page reply brief as to
15 Williamson’s Response and LVMPD’s Response—excluding table of contents, table of
16 authorities, certificate of service, and any exhibits. The table of contents and table of authorities
17 required under LR 7-3(c) appear in both replies.

18 **CONCLUSION**

19 For the reasons set forth above, Crittendon respectfully requests that the Court grant his
20 Motion to Exceed Page Limit.

21 Dated: February 10, 2021.

KIM GILBERT EBON

22 ORDER

23 **IT IS SO ORDERED**

24 **DATED:** 10:29 am, February 16, 2021

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27 **BRENDA WEKSLER**
28 **UNITED STATES MAGISTRATE JUDGE**

/s/ Diana S. Ebron
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