

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

DR. DRAKE VINCENT, MD, an individual,
and DR. BENJAMIN DUNKLEY, D.O., an
individual,

Plaintiffs,

vs.

UTAH PLASTIC SURGERY SOCIETY, an
unincorporated Utah organization,
AMERICAN SOCIETY OF PLASTIC
SURGEONS, a nonprofit Illinois corporation,
THE AMERICAN BOARD OF PLASTIC
SURGERY, an unincorporated Pennsylvania
organization, and the following BOARD
MEMBERS OF THE UTAH PLASTIC
SURGERY SOCIETY doctors licensed to
practice in Utah including: DR. W.
BRADFORD ROCKWELL, M.D., DR.
GREGORY KJAR, M.D., DR. RENATO
SALTZ, M.D., DR. GRANT R.
FAIRBANKS, M.D., DR. JUNE S. CHEN,
M.D., DR. BRYAN V. SONNTAG, M.D.,
DR. ERIC ASHBY, M.D., DR. STEPHEN
RALSTON, M.D., DR. YORK YATES,
M.D., DR. LEE J. MALAN, DR. TRENTON
JONES, DR. BRIAN K. BROWSKI, M.D.,
DR. DAVID S. THOMAS, M.D., DR.
KIMBALL M. CROFTS, M.D., DR.
DANIEL SELLERS, M.D., DR. GRANT
A. FAIRBANKS, M.D., DR. CHRISTINE A.
CHENG, M.D., DR. R. SCOTT HAUPT,

MEMORANDUM DECISION AND
ORDER DENYING MOTION FOR
LEAVE TO FILE

Case No. 2:12-CV-1048 TS

M.D., DR. JAMES M. CLAYTON, M.D.;
DOES 1-10, individuals, and DOES
CORPORATIONS 1-10, corporations,

Defendants.

This matter is before the Court on Plaintiffs' Motion for Leave to File a Memorandum of Law in Excess of Page Limitation.¹ Through this Motion, Plaintiffs seek leave of Court to file an over-length memorandum in opposition to Defendants' motions to dismiss.

Local Rule 7-1(b)(2)(A) provides the page limitations for response and reply memoranda filed in relation to motions made pursuant to Federal Rules of Civil Procedure 12(b), 12(c), 56, and 65.² It provides that memoranda filed in opposition to such motions "must not exceed twenty-five (25) pages, exclusive of any of the following items: face sheet, table of contents, concise introduction, response to the statement of elements and undisputed material facts, any statement of additional elements and/or undisputed material facts, table of exhibits, and exhibits."

Here, Plaintiff seeks leave to file a single memorandum in opposition to six separate motions to dismiss filed by Defendants. All but three of the motions to dismiss consist of little or no argument, instead seeking to join in the arguments made in the co-Defendants' motions to dismiss. Contrary to Plaintiffs' assertion, each of Defendants' substantive memoranda comply with the page limitations set by this Court. Plaintiffs' proposed opposition memorandum, on the

¹Docket No. 82.

²See DUCivR 7-1(b)(2)(A).

other hand, is well outside the parameters of the local rule—containing sixty-two pages of argument.³


Further, Plaintiffs have failed to comply with the procedural requirements of Local Rule 7-1(e). That rule provides that “[a] lengthy . . . memorandum must not be filed with the clerk prior to entry of an order authorizing its filing.” Plaintiffs filed their over-length memorandum three days prior to seeking leave of the Court to exceed the page limitations.

Based on the foregoing, the Court will strike Plaintiffs’ Memorandum in Opposition and grant Plaintiff an additional fourteen days to file a memorandum in compliance with Local Rule 7-1(b)(2)(A). It is therefore

ORDERED that Plaintiffs’ Motion for Leave to File a Memorandum of Law in Excess of Page Limitation (Docket No. 82) is DENIED. The Clerk of Court is instructed to STRIKE Plaintiffs’ Memorandum in Opposition (Docket No. 81). Plaintiffs shall have fourteen (14) days from the date of this Order to file its memorandum or memoranda in opposition.

DATED February 8, 2013.

BY THE COURT:



TED STEWART
United States District Judge

³See Docket No. 81.