

1 THE HONORABLE JOHN C. COUGHENOUR

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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 BERNADEAN RITTMANN, *et al.*,

10 Plaintiffs,

11 v.

12 AMAZON.COM INC, *et al.*,

13 Defendants.

CASE NO. C16-1554 JCC

14 MINUTE ORDER

15 The following Minute Order is made by direction of the Court, the Honorable John C.
16 Coughenour, United States District Judge:

17 This matter comes before the Court on Defendants' motion for leave to file an over-
18 length reply in support of its motion to dismiss (Dkt. No. 59). Defendants' argument is not that
19 Plaintiffs' response brief, (Dkt. No. 46), is over the 24 page limit, but rather that its excessive use
20 of footnotes transforms the motion into a 30 page brief. (Dkt. No. 59 at 2.) Plaintiffs' response
21 brief contains 335 lines of 10 pt. footnote text. (*Id.*) Pages 14, 16, 18, and 22 are comprised
22 almost entirely of 10 pt. footnotes. (Dkt. No. 46 at 16, 18, 20, 24.)

23 A party may not use "lengthy footnotes in what appears to be [an] . . . effort to skirt the
24 page limitation." *Play Visions, Inc. v. Dollar Tree Stores, Inc.*, 2010 WL 11443116, at *2 (W.D.
25 Wash. Nov. 30, 2010); *see also Glassybaby, LLC v. Provide Gifts, Inc.*, 2011 WL 4571876, at *4
26 (W.D. Wash. Sept. 30, 2011) ("The Court is not in the practice of reading lengthy footnotes

1 where they are used merely as a way to avoid page limitations.”) Plaintiffs’ use of footnotes in
2 the response brief, (Dkt. No. 46), is egregious, and a blatant attempt to avoid the page limits.
3 Defendants have not moved to strike any portion of Plaintiffs’ brief under Local Civil Rule
4 7(e)(6), however pursuant to the case law and Local Civil Rule 7(e)(6), the Court retains
5 discretion to do so. The Court hereby ORDERS the following:

- 6 1) The Court STRIKES Plaintiffs’ opposition to Defendants’ motion to dismiss (Dkt.
7 No. 46);
- 8 2) Plaintiffs’ shall submit an amended brief that conforms to the letter and spirit of the
9 Local Civil Rules no later than January 27, 2017;
- 10 3) Defendants’ reply brief is due February 3, 2017;
- 11 4) Defendants’ motion to dismiss, (Dkt. No. 36), and Plaintiffs’ motion for notice to be
12 issued, (Dkt. No. 20), are RENOTED to February 3, 2017;
- 13 5) Defendants’ motion for leave to file an over-length reply, (Dkt. No. 59), is DENIED.

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15 DATED this 18th day of January 2017.

16 William M. McCool
17 Clerk of Court

18 /s/Paula McNabb
19 Deputy Clerk