

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT BLUEFIELD

PAULETTE GABBIDON,  
a.k.a. PAULETTE HIBBERT,

Plaintiff,

v.

CIVIL ACTION NO. 1:19-00828

DAVID R. WILSON, FPC ALDERSON;  
JERROD R. GRIMES, FPC ALDERSON;  
LIEUTENANT WORKMAN, FPC ALDERSON;  
GINA HONAKER, FPC ALDERSON;  
MARK S. INCH, FEDERAL BUREAU OF PRISONS; and,  
THE UNITED STATES OF AMERICA,

Defendants.

**MEMORANDUM OPINION AND ORDER**

Pending before the court is defendant United States of America's motion to strike plaintiff's Response to Defendant United States of America's Motion to Dismiss, (ECF No. 42), because plaintiff's response exceeded the 20-page limitation under Local Rule of Civil Procedure 7.1. (ECF No. 43.) Plaintiff's response at issue was 26 pages in length and was not accompanied by a motion to exceed the page limitation showing good cause for the memorandum's length. (See ECF No. 42.) In response to the United States' motion to strike, plaintiff filed a motion for leave to exceed the 20-page limit. (ECF No. 45.) In her motion, plaintiff states that she had good cause to exceed the 20-page limit because she needed the additional pages to properly and completely detail the relevant history and basis for her claims in this action.

The court has discretion to strike any memorandum that "is not submitted as required by [Rule 7.1]." L.R. Civ. P. 7.1(a)(2); see also Hallman-Warner v. Bluefield State Coll., 2018 WL 1309748, at \*1 (S.D.W. Va. Jan. 19, 2018), report and recommendation adopted, 2018 WL 1309726, at \*1 (S.D.W. Va. Mar. 13, 2018) (Faber, J.), appeal dismissed, 732 F. App'x 247, 248 (4th Cir. 2018) (per curiam). "Motions to exceed the page limitation will be denied absent a showing of good cause." L.R. Civ. P. 7.1(a)(2). Here, the court finds that good cause exists to exceed the 20-page limit. However, the court admonishes plaintiff's counsel for not requesting leave to file in exceedance of the page limitation prior to filing the 26-page motion, and reminds counsel that filings in excess of 20 pages are disfavored.

For good cause shown, plaintiff's motion to exceed the 20-page limit, (ECF No. 45), is **GRANTED**, and defendant United States' motion to strike, (ECF No. 43), is **DENIED**.

The Clerk is directed to forward a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented parties.

**IT IS SO ORDERED** this 27th day of July, 2020.

ENTER:



David A. Faber

Senior United States District Judge