

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**SPEARE TOOLS, INC.,**

**Plaintiff,**

**v.**

**Case No. 13-C-324**

**KLEIN TOOLS, INC.,**

**Defendant.**

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**DECISION AND ORDER**

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Presently before the Court is Plaintiff Speare Tools, Inc.'s ("Speare") Civil L. R. 7(h) (E.D. Wis.) expedited non-dispositive motion for leave to file an expedited motion to compel in excess of three pages. (ECF No. 37.) Speare filed a reply brief in support of the motion. (ECF No. 44.) Defendant Klein Tools, Inc. ("Klein") opposes the motion, and filed a motion to strike Speare's reply brief. (ECF Nos. 43, 45.)

Speare provides the following reasons for asking to file a ten-page expedited motion, rather than the three-page motion established by the rule: (1) Written discovery requests that are restated; (2) Almost two months of correspondence culminating in the motion to compel; and (3) Because this is the first "substantive" motion before the Court, providing a background of the parties and the case is warranted.

Klein asserts that, as illustrated by the length of the motion and supporting documentation, the issues raised by Speare's motion are too complicated to be resolved on an expedited motion.

Civil Local Rule 7(h)(2) states:

The motion must contain the material facts, argument, and, if necessary, counsel's certification pursuant to Civil L. R. 37. **The motion must not exceed 3 pages excluding any caption and signature block.** The movant may not file a separate memorandum with the motion. The movant may file with the motion an affidavit or declaration for purposes of (1) attesting to facts pertinent to the motion and/or (2) authenticating documents relevant to the issue(s) raised in the motion. **The movant's affidavit or declaration may not exceed 2 pages. The respondent must file a memorandum in opposition to the motion within 7 days of service of the motion,** unless otherwise ordered by the Court. **The respondent's memorandum must not exceed 3 pages.** The respondent may file with its memorandum an affidavit or declaration for purposes of (1) attesting to facts pertinent to the respondent's memorandum and/or (2) authenticating documents relevant to the issue(s) raised in the motion. **The respondent's affidavit or declaration may not exceed 2 pages. No reply brief is permitted absent leave of Court.**

(Emphasis added).

The strict limitations of Civ. L.R. 7(h) regarding the length, type of filings, and timing of the filings with respect to an expedited motion were designed to allow for the presentation of issues in an abbreviated format that may also allow for a quicker resolution of those motions. The rule severely limits the length of both the initial motion **and** the response. Speare's motion does not fit within the constraints or the

intent of the Rule. Therefore, Speare's expedited non-dispositive motion for leave to file an expedited motion to compel in excess of three pages is denied. (ECF No. 37.) Speare's motion to compel Klein's full interrogatory response and production of documents (ECF No. 37-1) will be filed; however it must be treated and briefed in accordance with Civil L. R. 7(a)-(f).

Klein's motion to strike Speare's reply brief is based on the rule's prohibition on filing a reply brief in support of an expedited motion unless authorized by the Court. Although collateral motions are discouraged, Speare was not authorized to file a reply brief in support of its Civil L.R. 7(h) motion. Therefore, Klein's motion to strike is granted.

**NOW, THEREFORE, BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT:**

Speare's expedited non-dispositive motion for leave to file an expedited motion in excess of three pages (ECF No. 37) is **DENIED**;

The Clerk of Court is directed to **FILE** Speare's motion to compel Klein's full interrogatory response and production of documents. (ECF No. 37-1.) The motion must be treated and briefed in accordance with Civil L.R. 7(a)-(f).


Klein's Rule 7(h) expedited non-dispositive motion to strike Speare's reply brief in support of its Rule 7(h) expedited non-dispositive motion for leave to file an expedited motion in excess of three pages (ECF No. 45) is **GRANTED**; and

The Clerk of Court is directed to **STRIKE** Speare's reply brief in support of its

Rule 7(h) expedited non-dispositive motion for leave to file an expedited motion in excess of three pages (ECF No. 44).

Dated at Milwaukee, Wisconsin, this 7th day of March, 2014.

**BY THE COURT:**

  
**HON. RUDOLPH T. RANDA**  
**U.S. District Judge**