

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Brian P. Carr
Plaintiff

versus

Sam Reed, in his official capacity as Secretary of State of the State of Washington, Wanda Briggs in her official capacity as Chair of the State of Washington Commission of Judicial Conduct, and Rob McKenna, in his official capacity as Attorney General of the State of Washington and representing in their official capacity as representatives of the State of Washington and, separately, as private individuals the Honorable Robert L. Harris, John F. Nichols, Barbara D. Johnson, Kenneth Eiesland, Rich Melnick, John Hagensen, Kelli E. Osler, Joel Penoyar, (J.) C. C. Bridgewater, J. Robin Hunt, Gerry L. Alexander, Barbara Madsen, Mary E. Fairhurst, Susan Owens and James M. Johnson as well as other currently unnamed parties as determined by the Court
Defendants

Civil No. 3:07-cv-05260-RJB

Motion for Leave to
Submit Combined Reply Brief
(over length)

Noting Date:
September 12, 2007

Plaintiff, Brian P. Carr, pro se, in compliance with [Local Rule CR 7](#), respectfully requests that the Court grant leave to submit a combined reply brief not to exceed 22 pages to the dual Motions for Summary Judgment and to Dismiss submitted by the defendants with a noting date of September 28, 2007.

On August 30, 2007 ([document 26](#)) and August 31, 2007 ([document 29](#)) the defendants submitted dual Motions for Summary Judgment and to Dismiss each with a noting date of September 28, 2007. Each of the Motions refers to the other. There are perfectly legitimate

logistical reasons for the defendants to submit separate motions which refer to each other, and there is no basis to assume that these motions were submitted as separate motions exclusively to bypass the length requirements of [Local Rule CR 7 \(e\) \(3\)](#).

As the defendants submitted two motions, the plaintiff is permitted to submit two reply briefs of at most 12 pages each ([Local Rule CR 7 \(e\) \(3\)](#)), but to submit two reply briefs to two separate motions which mutually refer to each other would be needlessly tiresome and confusing. If the plaintiff is permitted to submit a single reply brief it is likely that it will exceed twelve pages in length, but will not exceed 22 pages. It is expected that the combined reply will be shorter and easier to understand than if the plaintiff were to submit two separate reply briefs which would, intrinsically, need to refer to each other.

In accordance with [Local Rule CR 7 \(d\) \(3\)](#), plaintiff's reply brief must be filed and served by September 24, 2007 and this request for leave to submit a single over length reply brief is submitted more than three days before that date ([Local Rule CR 7 \(f\) \(2\)](#)).

CONCLUSION

For the reasons set forth above, plaintiff respectfully requests that the court grant plaintiff leave to submit a combined reply brief which will not exceed 22 pages in length to the dual Motions to Dismiss and for Summary Judgment submitted by the defendants with a noting date of September 28, 2007.

Respectfully submitted, September 12, 2007 (Vancouver, WA).

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

CERTIFICATION

I hereby certify that on September 12, 2007, a true and accurate copy of the foregoing plaintiffs' Motion for Leave to Submit Combined Reply Brief (over length) as well as the Proposed Order was filed electronically. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system as all parties have elected electronic filing as indicated on the Notice of electronic Filing. Parties access this filing through the court's CM/ECF System.

s/ Brian P Carr
Signature of Plaintiff
Brian Carr
11301 NE 7th St., Apt J5
Vancouver, WA 98684
503-545-8357

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON**

Brian P. Carr
Plaintiff

versus

Sam Reed, in his official capacity as Secretary of State of the State of Washington, Wanda Briggs in her official capacity as Chair of the State of Washington Commission of Judicial Conduct, and Rob McKenna, in his official capacity as Attorney General of the State of Washington and representing in their official capacity as representatives of the State of Washington and, separately, as private individuals the Honorable Robert L. Harris, John F. Nichols, Barbara D. Johnson, Kenneth Eiesland, Rich Melnick, John Hagensen, Kelli E. Osler, Joel Penoyar, (J.) C. C. Bridgewater, J. Robin Hunt, Gerry L. Alexander, Barbara Madsen, Mary E. Fairhurst, Susan Owens and James M. Johnson as well as other currently unnamed parties as determined by the Court
Defendants

Civil No. 3:07-cv-05260-RJB

**PROPOSED ORDER
GRANTING PLAINTIFF'S
MOTION FOR
Leave to Submit
Combined Reply Brief
(over length)**

This matter comes before the court on plaintiff's Motion for Leave to Submit Combined Reply Brief (over length), Dkt. 33. The court has considered the relevant documents and the remainder of the file herein.

PROCEDURAL HISTORY AND MOTION

On May 23, 2007, plaintiff filed a complaint against several Washington state judges and other officials. Dkt. 1. The Complaint was amended by leave of this court on August 15, 2007, Dkt 15.

On August 30, 2007 ([dkt 26](#)) and August 31, 2007 ([dkt 29](#)) the defendants submitted dual Motions for Summary Judgment and to Dismiss each with a noting date of September 28, 2007. Each of the Motions refers to the other. On September 12, 2007, the plaintiff submitted a Motion for Leave to Submit Combined Reply Brief of up to 22 pages in length ([dkt 33](#)).

DISCUSSION

As the defendants submitted two motions, the plaintiff is permitted to submit two reply briefs of at most 12 pages each ([Local Rule CR 7 \(e\) \(3\)](#)). The plaintiff argued that to submit two reply briefs to two separate motions which mutually refer to each other would be needlessly tiresome and confusing. The plaintiff sought permission to submit a single reply brief that will not exceed 22 pages. The plaintiff expects that the combined reply will be shorter and easier to understand than if the plaintiff were to submit two separate reply briefs which would, intrinsically, need to refer to each other.

In accordance with [Local Rule CR 7 \(d\) \(3\)](#), plaintiff's reply brief must be filed and served by September 24, 2007 and the request for leave to submit a single over length reply brief was submitted more than three days before that date ([Local Rule CR 7 \(f\) \(2\)](#)).

As this court has supervisory power over its motion practice and can establish requirements for the submission of motion papers and as the court finds the requested relief reasonable and justified:

Therefore, it is hereby

ORDERED

The plaintiff is granted leave to submit a combined reply brief which will not exceed 22 pages in length to the dual Motions to Dismiss and for Summary Judgment submitted by the defendants with a noting date of September 28, 2007.

The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any party appearing *pro se* at said party's last known address.

Dated:

ROBERT J. BRYAN

United States District Judge