

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

Brian P. Carr
Plaintiff

versus

Sam Reed et al
Defendants

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

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

Noting Date:
October 3, 2007

Plaintiff, Brian P. Carr, pro se, in compliance with [Local Rule CR 7](#), respectfully requests that the Court grant leave to submit a revised combined reply brief not to exceed 32 pages to the triple Motions for Summary Judgment and to Dismiss submitted by the defendants with a noting date of October 19, 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 these Motions referred to the other. On September 24, 2007, plaintiff submitted a combined reply brief ([document 37](#)) which noted the absence of any references to Wanda Briggs in the defendants' motions. Three days later, on September 27, 2004, defendants submitted yet another Motion for Summary Judgment and to Dismiss ([document 41](#)) which resolved that deficiency with a noting date of October 19, 2004. On October 2, 2007, the court issued a Minute Order ([document 44](#)) adjusting the noting dates so that all three motions are noted for October 19, 2007.

While there are legitimate logistical justifications for the defendants to submit three motions, it

also would have been possible for the defendants to submit a single motion had they used their time and resources wisely. However, the defendants lack of organization should not penalize the plaintiff with the need to submit separate replies. As the defendants submitted three motions, the plaintiff would be permitted to submit three reply briefs of at most 12 pages each ([Local Rule CR 7\(e\)\(3\)](#)), but separate reply briefs which mutually refer to each other would be needlessly tiresome and confusing. If the plaintiff is permitted to submit a single revised reply brief to all three motions, it would certainly exceed twelve pages in length, but also will not exceed 32 pages. It is expected that the revised combined reply will be shorter and easier to understand than 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 October 15, 2007 and this request 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 revised combined reply brief to the three Motions to Dismiss and for Summary Judgment submitted by the defendants with a noting date of October 19, 2007 which will not exceed 32 pages in length.

Respectfully submitted, October 3, 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 October 3, 2007, a true and accurate copy of the foregoing plaintiffs' Motion for Leave to Submit Revised 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

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

This matter comes before the court on plaintiff's Motion for Leave to Submit Revised Combined Reply Brief (over length), [Dkt 45](#). The defendants filed Motions for Summary Judgment and to Dismiss on August 30, 2007 ([dkt 26](#)), August 31, 2007 ([dkt 29](#)) and September 27, 2004 ([dkt 41](#)). On September 24, 2007, plaintiff had submitted a combined reply brief ([dkt 37](#)) for the first two motions. On October 2, 2007, this court issued a Minute Order ([dkt 44](#)) adjusting the noting dates so that all three motions are noted for October 19, 2007. The court has considered the relevant documents and the remainder of the file herein.

Therefore, it is hereby

ORDERED

The plaintiff is granted leave to submit a revised combined reply brief which will not exceed 32 pages in length to the three Motions to Dismiss and for Summary Judgment submitted by the defendants which now have a noting date of October 19, 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