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10 Attorneys for Plaintiffs

11 **IN THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF ARIZONA**
13

14 Center for Biological Diversity, et al.,
15 Plaintiffs,
16 v.
17 United States Forest Service,
18 Defendant,
19 National Rifle Association of America,
Inc., et al.,
20 Intervenor Defendants.

Case No: 3:12-cv-08176-SMM

**PLAINTIFFS’ UNOPPOSED
MOTION FOR EXTENSION OF
PAGE LIMITATIONS FOR
PLAINTIFFS’ CONSOLIDATED
RESPONSE TO MOTIONS TO
DISMISS AND FOR JUDGMENT
ON THE PLEADINGS AND
AMICUS BRIEF**

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22
23 COME NOW Plaintiffs Center for Biological Diversity, Sierra Club, and Grand
24 Canyon Wildlands Council (collectively “Plaintiffs”), by and through undersigned
25 counsel, and file this Unopposed Motion for Extension of Page Limitations. Plaintiffs
26 respectfully request up to 40 pages for their consolidated response to three motions and
27 an amicus brief pending before this Court, which is due on December 20, 2019.
28

1 Plaintiffs' counsel has conferred with counsel for all other Parties and the State of
2 Arizona. Plaintiffs' motion is unopposed.

3 Currently pending before the Court are three motions and an amicus brief, all
4 seeking dismissal of Plaintiffs' complaint. *See* Dkt. 157 (Defendant United States Forest
5 Service's motion to dismiss); Dkt. 160 (Intervenor Defendant National Shooting Sports
6 Foundation's motion for judgment on the pleadings); Dkt. 161 (Intervenor Defendants'
7 National Rifle Association of America's and Safari Club International's motion to
8 dismiss); Dkt. 159 (the State of Arizona's amicus brief in support of dismissal).

9 Pursuant to the Court's October 8, 2019 Order (Dkt. 156), Plaintiffs' responses to all
10 motions and the amicus brief are due on December 20, 2019.

11 The pending motions and amicus brief raise numerous different arguments to
12 which Plaintiffs must respond. In anticipation of this, during the Status Conference
13 before this Court on September 30, 2019, the Parties discussed that Plaintiffs may
14 choose to seek additional pages for a consolidated response brief. *See* Dkt. 155 at 2 (the
15 Parties' Stipulated Motion to Set Briefing Schedule, summarizing Status Conference
16 discussion). Because the precise number of additional pages that Plaintiffs would need
17 was not known at that time, the Parties agreed to table the issue until after the motions
18 were filed. *Id.* In its Order granting the Parties' Stipulated Motion to Set Briefing
19 Schedule, this Court acknowledged Plaintiffs' request for additional pages for a
20 consolidated response and stated that Plaintiffs may move the Court for additional pages
21 after the motions were filed. Dkt. 156 at 1.

22 Plaintiffs have now had the opportunity to review the three motions seeking
23 dismissal and the amicus brief. Plaintiffs can file four separate briefs responding to each
24

1 motion and the amicus brief. Local Rule 7.2(e) sets a 17-page limit on response briefs.¹
2 In the interest of efficiency and to minimize the amount of briefing before the Court,
3 Plaintiffs would prefer to file one consolidated brief responding to all three motions and
4 the amicus brief, rather than four separate briefs. However, as anticipated, the 17-page
5 limit provided by the Local Rules is inadequate for Plaintiffs to address, in one
6 consolidated response brief, the numerous arguments raised in the three pending
7 motions and amicus brief.
8

9 For these reasons, Plaintiffs respectfully request that the Court allow Plaintiffs an
10 additional 23 pages (for a total of up to 40 pages) for their consolidated brief responding
11 to Defendant's and Intervenor Defendants' motions to dismiss and for judgment on the
12 pleadings and the State of Arizona's amicus brief. A proposed order is attached to this
13 filing and, immediately following the filing of this unopposed motion, Plaintiffs will
14 submit, via electronic mail, the proposed order to chambers.
15
16

17 Respectfully submitted,
18

19 Dated: December 11, 2019

s/ Allison LaPlante _____

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26 ¹ The Federal Rules of Civil Procedure and the Court's Local Rules are silent with regard to
27 responses to amicus briefs. However, the Court's Order allows Plaintiffs to respond to the State
28 of Arizona's amicus brief. *See* Dkt. 156 at 2. Because the Local Rules set a 17-page limit on
responses to motions, Plaintiffs infer that their response to the State of Arizona's amicus brief
would be limited to 17 pages as well.

CERTIFICATE OF SERVICE

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I hereby certify that on December 11, 2019, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing, which will send notification of such filing to the following:

Michael C. Augustini, United States Department of Justice, Attorney for Defendant United States Forest Service.

L. John LeSueur, Attorney for the State of Arizona.

C.D. Michel,
W. Lee Smith
Scott M. Franklin
Anna M. Seidman

Jeremy Clare, Attorneys for Intervenor Defendants National Rifle Association and Safari Club International.

Norman D. James
Rhett Billingsley, Attorneys for Intervenor Defendant National Shooting Sports Foundation.

Kevin Cassidy, Attorney for Plaintiffs.

s/ Allison LaPlante