

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

KRISTY DUMONT; DANA DUMONT;  
ERIN BUSK-SUTTON; REBECCA  
BUSK-SUTTON; and JENNIFER  
LUDOLPH,

*Plaintiffs,*

v.

NICK LYON, in his official capacity as  
the Director of the Michigan Department  
of Health and Human Services; and  
HERMAN MCCALL, in his official  
capacity as the Executive Director of the  
Michigan Children's Services Agency,

*Defendants,*

and

ST. VINCENT CATHOLIC  
CHARITIES; MELISSA BUCK; CHAD  
BUCK; and SHAMBER FLORE,

*Defendant-Intervenors.*

No. 2:17-CV-13080-PDB-EAS

HON. PAUL D. BORMAN

MAG. ELIZABETH A. STAFFORD

**DEFENDANT-INTERVENORS'  
UNOPPOSED MOTION FOR  
LEAVE TO FILE AN OVERSIZED  
BRIEF**

Defendant-Intervenors St. Vincent Catholic Charities, Melissa Buck, Chad Buck, and Shamber Flore, by their undersigned counsel, hereby move this Court for leave to file an oversized reply brief in support of their motion to dismiss Plaintiffs' complaint with prejudice for the reasons set forth more fully in the

attached memorandum of law. Defendant-Intervenors' reply brief is due on May 4, 2018. On May 1, 2018, counsel for Defendant-Intervenors sought consent from the Plaintiffs and Defendants to file a reply brief of up to fourteen pages in length. Both the Plaintiffs and the Defendants said that they would not oppose this motion.

Dated: May 1, 2018

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Respectfully submitted,

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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT-  
INTERVENORS' MOTION FOR LEAVE**

This Court has routinely granted motions to file an oversized brief, especially in complex cases with numerous distinct claims. *See, e.g., Wilkes v. Nat'l Credit Union Admin. Bd.*, No. 15-CV-11389, 2015 WL 7889049, at \*6 (E.D. Mich. Dec. 4, 2015); *Axis Ins. Co. v. Innovation Ventures, LLC*, 737 F. Supp. 2d 685, 686 (E.D. Mich. 2010); *Bell v. Prefix, Inc.*, 784 F. Supp. 2d 778, 780 (E.D. Mich. 2011).

Permitting an oversized brief is particularly appropriate here. In this case there are multiple distinct constitutional claims as well as numerous complex jurisdictional questions. Moreover, several of the issues, such as the degree to which the court can take judicial notice of certain facts, were raised for the first time in Plaintiffs' response to Intervenor-Defendants' Motion to Dismiss. Despite making every effort to file a brief in accordance with the page limit, Intervenor-Defendants require seven pages in excess of Local Rule 7.1 to adequately address each of Plaintiffs' arguments. Therefore, Intervenor-Defendants respectfully request that this Honorable Court grant them leave to file an oversized reply brief, containing no more than fourteen pages.

Dated: May 1, 2018

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## CERTIFICATE OF SERVICE

I hereby certify that on May 1, 2018, I electronically filed the above document(s) with the Clerk of Court via CM/ECF, which will provide electronic copies to counsel of record.

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