

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MARYLAND

BROCK STONE, *et al.*,

Plaintiffs,

v.

DONALD J. TRUMP, in his official capacity as
President of the United States, *et al.*,

Defendants.

Case 1:17-cv-02459-MJG

Hon. Marvin J. Garbis

**DEFENDANTS' UNOPPOSED MOTION TO EXCEED PAGE LIMIT ON
DEFENDANTS' OPPOSITION TO PLAINTIFFS' CROSS-MOTION FOR SUMMARY
JUDGMENT AND REPLY IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS
PLAINTIFFS' SECOND AMENDED COMPLAINT, OR, IN THE ALTERNATIVE,
FOR SUMMARY JUDGMENT**

Defendants file this Motion to Exceed the Page Limit on Defendants' Opposition to Plaintiffs' Cross-Motion for Summary Judgment and Reply in Support of Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint or, in the Alternative, for Summary Judgment, and in support thereof, state as follows:

1. Plaintiffs filed their Second Amended Complaint on April 27, 2018. Dkt. 148. Plaintiffs assert constitutional claims challenging the revoked Presidential Memorandum issued on August 25, 2017, and the Department of Defense's new policy concerning military service by transgender individuals, as set forth in the memorandum issued by Secretary of Defense James Mattis on February 22, 2018. *See* Second Am. Compl. ¶¶ 205–40.

2. The Second Amended Complaint adds six additional Plaintiffs. There are now thirteen Plaintiffs—six current service members, six prospective service members, and one organization. *See* Second Am. Compl. ¶¶ 17–106.

3. On May 9, 2018, Defendants filed a motion to exceed the page limit for their forthcoming motion to dismiss and for Plaintiffs' response. Dkt. 156. The Court granted the motion. Dkt. 157.

4. On May 11, 2018, Defendants filed a Motion to Dismiss, or, in the Alternative, for Summary Judgment. Dkt. 158. The brief is 50 pages.

5. On May 25, 2018, Plaintiffs filed their Opposition to Defendant's Motion to Dismiss or for Summary Judgment and Cross-Motion for Summary Judgment. Dkt. 163-2. The brief is 50 pages.

6. Defendants are completing an Opposition to Plaintiffs' Cross-Motion for Summary Judgment and Reply in Support of Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint, or, in the Alternative, for Summary Judgment.

7. Pursuant to Local Rule 105(3), memoranda in opposition to a motion shall not exceed thirty-five (35) pages.

8. In order to address each one of Plaintiffs' arguments, Defendants require more than thirty-five (35) pages. Defendants must respond to Plaintiffs' arguments concerning jurisdiction, the merits of the Department of Defense's new policy concerning military service by transgender individuals, and their purported need for additional discovery.

9. Consequently, due to the nature of the allegations set forth in Plaintiffs' Second Amended Complaint and the arguments set forth in Plaintiffs' 50-page Cross-Motion for Summary Judgment, Defendants request that this Court permit Defendants to exceed the maximum page limit as set forth in the Local Rules.

10. Defense counsel has conferred with Plaintiffs' counsel regarding this motion, and Plaintiffs consent to the relief Defendants seek.

WHEREFORE, for the reasons set forth above, Defendants have demonstrated good cause for the expansion of the page limitation and moves this Court to grant Defendants' Motion, thereby permitting Defendants to file an Opposition to Plaintiffs' Cross-Motion for Summary Judgment and Reply in Support of Defendants' Motion to Dismiss Plaintiffs' Second Amended Complaint or, in the Alternative, for Summary Judgment that exceeds the thirty (35) page limitation set forth in the Local Rules for the U.S. District Court of Maryland.

June 12, 2018

Respectfully Submitted,

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[PROPOSED] ORDER

Upon consideration of Defendants' Unopposed Motion to Exceed the Page Limit, and because good cause has been shown, it is hereby ordered that Defendants may submit a brief of up to fifty (50) pages in opposition to Plaintiffs' cross-motion for summary judgment and reply in support of Defendants' motion to dismiss or, in the alternative, for summary judgment.

Dated: _____

The Honorable Marvin J. Garbis
United States District Judge