

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JAMES DEREK MIZE, et al.,

*Plaintiffs,*

v.

MICHAEL R. POMPEO, et al.,

*Defendants.*

Civil Action No. 1:19-cv-3331-MLB

**PLAINTIFFS' UNOPPOSED MOTION FOR  
ENLARGEMENT OF PAGE LIMITATION**

Pursuant to Rule 7 of the Federal Rules of Civil Procedure, Local Rule 7.1, and Paragraph (g) of the Court's Standing Order Regarding Civil Litigation (Doc. 5), Plaintiffs James Derek Mize, Jonathan Daniel Gregg and their minor child S.M.-G. (collectively, "Plaintiffs"), respectfully request that the Court grant Plaintiffs an enlargement of the page limitation for the brief in support of Plaintiffs' anticipated motion for summary judgment, as well as the same enlargement for Defendants' anticipated opposition, from 25 pages to 40 pages. As reasons therefor, Plaintiffs state as follows:

(1) Pending before the Court is Defendants' Motion to Dismiss for Failure to State a Claim (Doc. 32).

(2) Plaintiffs believe that certain claims in this case can be resolved as a

matter of law based on currently known, undisputed material facts. As such, Plaintiffs intend to submit to the Court a motion for summary judgment.

(3) By filing their motion for summary judgment so that it may be considered concurrently with Defendants' motion to dismiss, Plaintiffs hope to preserve the Court's and the parties' resources by enabling the Court to decide this case largely on briefing and if it so deems appropriate, oral argument.

(4) The Court's Local Rules only allow for a brief in support of Plaintiffs' anticipated motion to be no longer than 25 pages in length, and be typed in 14-point font with a top margin of 1.5" inches and a left margin of 1". *See* LR 7.1(b); 5.1(c)-(d).

(5) In this case, Plaintiffs assert a number of statutory and constitutional claims that while, as of now, involve no dispute of material facts, are complex and require extensive briefing. Indeed, the arguments Plaintiffs intend to present involve substantial briefing on questions of statutory interpretation, as well as constitutional doctrines relating to the Fifth Amendment's guarantees to equal protection, fundamental rights, and constitutionally-protected liberty interests.

(6) Based on Plaintiffs' current drafting as well as the length of briefing in similar currently pending cases, Plaintiffs believe that an extension of the page limitation for their brief in support of their anticipated motion for summary judgment

from 25 pages to 40 pages is necessary in order for Plaintiffs to adequately present their arguments to the Court.

(7) Plaintiffs requested extension would be in keeping with the page limitations afforded to the parties in similar cases before other courts. For example, the court in *Kiviti v. Pompeo*, Case No. 8:19-cv-02665 (D. Md.), a case virtually identical to the case at bar, has consolidated the parties' briefing on their motions to dismiss and for summary judgment, and given the parties 50 pages for their briefs. *See Order, Kiviti v. Pompeo*, Case No. 8:19-cv-02665 (D. Md. Dec. 9, 2019) (ECF No. 44). Moreover, the local rules for that court only require that the briefs be typed in 12-point font and have margins of 1". *See Case Management Order, Kiviti v. Pompeo*, Case No. 8:19-cv-02665 (D. Md. Sept. 12, 2019) (ECF No. 7). A 40-page brief typed in 14-point font (with 1.5" x 1" x 1" x 1" margins) is approximately the same length in words as a 29-page brief typed in 12-point font (with 1" margins).

(8) Lastly, should the Court grant Plaintiffs requested enlargement of the page limitation for their brief, the parties agree that the Court should similarly grant Defendants the same enlargement for their anticipated opposition to Plaintiffs' motion for summary judgment.

(9) Counsel for Defendants has represented that Defendants do not oppose the requested enlargement.

Good cause, therefore, exists for Plaintiffs' request. Accordingly, Plaintiffs request that the Court enlarge the page limitation for Plaintiffs' brief in support for their anticipated motion for summary judgment, from 25 pages to 40 pages.

Dated: January 7, 2020

Respectfully submitted,

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**CERTIFICATE OF SERVICE AND COMPLIANCE**

I hereby certify that the foregoing Motion for Enlargement of Page Limitation was filed electronically using the Court's CM/ECF system, which provides electronic notice of the filing to all counsel of record. Parties may access this filing through the Court's electronic filing system.

I further certify that the foregoing was prepared in compliance with LR 5.1 because it is typed in Times New Roman (14 point) font, and its top margin is not less than one and one-half (1 ½) inches and left margin is not less than one (1) inch.

/s/ Omar Gonzalez-Pagan

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**[PROPOSED] ORDER GRANTING PLAINTIFFS' UNOPPOSED  
MOTION FOR ENLARGEMENT OF PAGE LIMITATION**

Before the Court for consideration is Plaintiffs' Unopposed Motion for Enlargement of Page Limitation. Plaintiffs seek an enlargement of the page limitation applicable to the brief in support of their anticipated motion for summary judgment, from 25 pages to 40 pages.

For good cause shown, Plaintiffs' Unopposed Motion for Enlargement of Page Limitation is GRANTED, and

IT IS ORDERED THAT Plaintiffs' brief in support of their motion for summary judgment and Defendants' response shall be limited to 40 pages each.

SO ORDERED this \_\_\_\_ day of January, 2020.

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MICHAEL L. BROWN  
UNITED STATES DISTRICT JUDGE