

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

STACIE RAY, et al.)	CASE NO.: 2:18-cv-00272-MHW-CMV
)	
Plaintiffs,)	JUDGE MICHAEL WATSON
)	
vs.)	MAGISTRATE JUDGE CHELSEY
)	VASCURA
AMY ACTON, et al.)	
)	
Defendants.)	

DEFENDANTS’ MOTION FOR LEAVE TO EXCEED PAGE LIMITS

Defendants Amy Acton, in her official capacity as Director of the Ohio Department of Health, Karen Sorrell, in her official capacity as Chief of the Office of Vital Statistics, and Judith Nagy, in her official capacity as State Registrar of the Office of Vital Statistics (collectively “Defendants”) hereby move the Court for leave to exceed the page limitations set forth in Local Rule 7.2(a)(3) and in this Court’s Standing Orders. Defendants’ anticipate that the memorandum in support of their forthcoming motion for summary judgment will exceed the page limitations established by this Court. Plaintiffs have represented that they do not oppose the relief sought in this motion.

Extraordinary circumstances warrant granting this motion. Plaintiffs’ have alleged that Defendants’ conduct violates the U.S. Constitution. Specifically, Plaintiffs’ allegations include First Amendment, Due Process Clause, and Equal Protection Clause violations. Those allegations threaten to overturn the entire statutory scheme regarding the State of Ohio’s recordation and issuance of birth certificates. As this Court is well aware, the legal analysis associated with those claims is detailed. Defendants’ require additional pages to fully brief those issues.

Moreover, there are four Plaintiffs in this matter. Each Plaintiff has offered testimony regarding various aspects of their Constitutional claims. The relevant portions of that testimony is discussed in Defendants' motion for summary judgment. Additional pages are required for Defendants to present that material to this Court.

Finally, three experts were used in this case (two by Plaintiffs and one by Defendants). All three expert opinions relate to elements of Plaintiffs' claims and each requires explanation in Defendants' motion for summary judgment, further contributing to the length of the brief.

Defendants have made substantial efforts to limit the length of their summary judgment papers. However, given the nature of Plaintiffs' allegations and the amount of material uncovered in discovery, additional pages beyond this Court's 20-page limit are required for Defendants to fully present their summary judgment arguments. While Defendants are still finalizing their motion for summary judgment, Defendants estimate that the memorandum in support will not exceed 40 pages. To aid the Court in its consideration of the motion for summary judgment, Defendants also request leave to include a short summary of the argument as part of their memorandum in support.

For these reasons, Defendants request that this Court grant leave to exceed the page limit set forth in the Local Rules and this Court's Standing Orders.

A proposed Order is attached hereto.

Dated: January 8 , 2020

Respectfully submitted,

/s/ Jason J. Blake

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CERTIFICATE OF SERVICE

I hereby certify that on January 8, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's system.

/s/ Jason J. Blake

One of the Attorneys for Defendants

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ORDER GRANTING FOR LEAVE TO EXCEED PAGE LIMITATIONS

Now before the Court is the motion of Defendants seeking leave to exceed the 20-page limitation set forth by Local Rule and this Court’s Standing Order. Defendants have indicated that Plaintiffs do not oppose the motion and that the memorandum in support of their motion for summary judgment will not exceed 40 pages. Defendants have also requested leave to include a short summary of the argument in their memorandum in support of the motion for summary judgment. Upon consideration of the papers submitted to the Court, and for good cause shown, the Court hereby GRANTS the motion. IT IS THEREFORE ORDERED that Defendants shall have leave to exceed the page limitations set forth by Local Rule and this Court’s Standing Order. Defendants shall also include a short (no more than two pages) summary of the argument in their memorandum in support.

DATE

CHELSEY VASCURA
UNITED STATES MAGISTRATE JUDGE