

The Honorable Marsha J. Pechman

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

RYAN KARNOSKI, et al.,

Plaintiffs,

v.

DONALD J. TRUMP, et al.,

Defendants.

No. 2:17-cv-1297-MJP

**SURREPLY TO PLAINTIFFS’ REPLY
IN SUPPORT OF MOTION TO
COMPEL DOCUMENTS WITHHELD
BY THE GOVERNMENT AS
NONRESPONSIVE**

Defendants respectfully file this surreply to ask that the Court strike Plaintiffs’ reply in support of their motion to compel documents withheld by the Government as nonresponsive. *See* ECF No. 449.

Local Civil Rule 37(a)(2)(D) states that when utilizing the expedited joint motion procedures outlined in L.C.R. 37(a)(2), the moving party’s reply, if any, in support of a disputed discovery request “shall not exceed one half page for each reply.” Plaintiffs, however, without requesting leave to file an over-length brief, have filed a single reply more than four pages in length, thereby exceeding the half-page limitation set forth in L.C.R. 37(a)(2)(D).

In a footnote, Plaintiffs all but acknowledge that they have not complied with L.C.R. 37(a)(2)(D). *See* Pls.’ Reply, ECF No. 449 at 15 n.6. However, they argue that they are not

1 constrained by the rule because their motion “relate[s] to global issues touching on each and
2 every one of Plaintiffs’ requests for production,” and L.C.R. 37(a)(2)(D) “does not anticipate
3 such global submissions.” *Id.* Plaintiffs do not cite any authority for their creative interpretation
4 of L.C.R. 37(a)(2)(D). Nor do they explain how it could be consistent with the language of the
5 rule itself, which limits replies to “one half page for each reply.” Here, Plaintiffs have filed a
6 single reply, and it undeniably exceeds one half page.
7

8 Finally, Plaintiffs’ statement that they have complied with L.C.R. 37(a)(2)(E)’s limitation
9 of 12 total pages of briefing does not save their approach. L.C.R. 37(a)(2)(D) and (E) are separate
10 requirements, each of which must be satisfied. Compliance with one does not excuse a failure
11 to comply with the other. Indeed, given that Plaintiffs have served more than 80 requests for
12 production in this case, by their reasoning, they would be entitled to draft a one-page motion,
13 wait for Defendants to respond, and then reply to Defendants with eleven pages of argument. No
14 sensible motions procedure operates in such fashion, and certainly not L.C.R. 37(a)(2).
15

16 Accordingly, Defendants request that the Court strike Plaintiffs’ reply for failure to
17 comply with the page limitations of L.C.R. 37(a)(2)(D). *See Grundstein v. Washington State Bar*
18 *Ass’n*, 2012 WL 12874061, at *1 (W.D. Wash. May 15, 2012) (striking motion for failure to
19 comply with page limitations of local rules).
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22 Dated: March 2, 2020

Respectfully submitted,

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