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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF IDAHO

ADREE EDMO,

Plaintiff,

v.

IDAHO DEPARTMENT OF  
CORRECTION; ET AL.;

Defendants.

CIVIL ACTION FILE

NO. 1:17-cv-151-BLW

**DEFENDANTS' JOINT MOTION TO  
EXCEED PAGE LIMIT**

Defendants, Corizon, LLC, Scott Eliason, Idaho Department of Correction, Henry Atencio, Jeff Zmuda, Howard Keith Yordy, Richard Craig, and Rona Siegert by and through their undersigned counsel of record, pursuant to Loc. Civ. R. 7.1(a)(2), hereby respectfully move this Court for an Order granting leave of Court for their Joint Response in Objection to Plaintiff's Motion for Attorneys' Fees and Expenses Through September 30, 2021 to exceed twenty (20)

pages in length. Specifically, Defendants seek leave to submit a brief, on behalf of all defendants, not to exceed forty-two (42) pages in length.

The grounds upon which this motion is based are set forth in Defendants' Joint Memorandum in Support of Motion to Exceed Page Limit and the record before the Court.

DATED this 22<sup>nd</sup> day of November, 2021.

PARSONS BEHLE & LATIMER

By: /s/ Dylan A. Eaton  
Dylan A. Eaton  
Counsel for Defendants Corizon, LLC  
and Scott Eliason

DATED this 22<sup>nd</sup> day of November, 2021.

MORE ELIA & KRAFT, LLP

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Peter R. Thomas  
Counsel for Defendants Idaho Department of  
Correction, Henry Atencio, Jeff Zmuda, Howard  
Keith Yordy, Richard Craig, and Rona Siegert

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on the 22<sup>nd</sup> day of November, 2021, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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ADREE EDMO,

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IDAHO DEPARTMENT OF  
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Defendants.

CIVIL ACTION FILE

NO. 1:17-cv-151-BLW

**MEMORANDUM IN SUPPORT OF  
DEFENDANTS' JOINT MOTION TO  
EXCEED PAGE LIMIT**

Defendants, Corizon, LLC, Scott Eliason, Idaho Department of Correction, Henry Atencio, Jeff Zmuda, Howard Keith Yordy, Richard Craig, and Rona Siegert by and through their undersigned counsel of record, hereby submit this memorandum in support of their Joint Motion to Exceed Page Limit.

Defendants' Joint Response in Objection to Plaintiff's Motion for Attorneys' Fees and Expenses Through September 30, 2021 is about forty-two (42) pages in length. Defendants seek leave of the Court to file this Memorandum in excess of the twenty (20) page limit under Loc. Civ. R. 7.1(a)(2). Specifically, Defendants seek leave for the Memorandum to not exceed forty-two (42) pages. The circumstances under which this request is being made are unusual, and there are several grounds for allowing Defendants to file the 42-page Joint Response in Objection to Plaintiff's Motion for Attorneys' Fees and Expenses Through September 30, 2021.

First, in total, there are still five (5) remaining Defendants, including two sets of Defendants who are represented by separate counsel. Each set of Defendants could have submitted separate 20-page briefs in opposition to Plaintiff's motion (indeed, arguably each individual Defendant could have filed their own opposition). *See Ellis v. Corizon, Inc.*, Case No. 1:15-cv-00304-BLW, 2018 WL 6271823, \*11 (D. Idaho Nov. 30, 2018) (holding that in the summary judgment context, "the Court agrees . . . that each of the Defendants was technically entitled to file their own statement of undisputed material facts" and allowing an overlength brief). In an effort to streamline the responses and promote judicial efficiency, all Corizon Defendants and all IDOC Defendants are submitting a single brief in opposition. However, out of an abundance of caution, Defendants seek leave to exceed the 20-page limitation.

Second, the circumstances under which this request is being made are unusual, in part because of the sheer large amount of fees and expenses sought, which is nearly \$3 million. Plaintiff is seeking to recover attorney's fees for six different law firms, nineteen different attorneys, and a combined nearly 6,000 bill hours. In total, Plaintiff's motion for fees and costs, supporting declarations and exhibits, and Bill of Costs, contain over 475 pages of materials. Defendants

should be allowed additional pages to defend against the extraordinarily large amount of fees and costs that are sought by Plaintiff's counsel.

Third, although Plaintiff's Memorandum in Support of the Motion is only 20 pages, Plaintiff effectively exceeded the 20-page limitation by submitting numerous declarations in support of their motion. Several of the Declarations improperly elaborated on the procedural history of the case and commented on the claims, facts, and court rulings in the case, not to mention adds additional argument. For example, much of Attorney Rifkin's 16-page Declaration is a detailed recitation of the procedural history, provides additional purported facts, and makes additional arguments, effectively an end-run around the 20-page limitation. See also the Declaration of Amy Whelan that even further expands on the procedural history and other facts related to the case.

Finally, this case spans a period of nearly 4 years and has a somewhat complicated procedural history. Defendants should be allowed additional pages to address this involved case that has been pending for years, and to fully argue this case in context.

A substantial effort was made to present the facts and argument in a concise manner. However, Defendants are entitled to a "a full opportunity" to argue the matter. *Stanley v. University of Southern California*, 13 F.3d 1313, 1326 (9th Cir. 1994). Based on the above, there are unusual circumstances and there is good cause for the Court to allow Defendants to file a response in excess of the twenty (20) page limit under Loc. Civ. R. 7.1(a)(2). Defendants respectfully request the Court grant Defendants' Motion to Exceed Page Limit and allow Defendants to file a response not to exceed forty-two (42) pages.



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