

LAWRENCE A HILDES (SB#178610)
P.O. Box 5405
Bellingham, WA 98227
Telephone: (360) 715-9788
Fax: (360) 733-1851

Attorney for Plaintiffs
RYAN SALSBUURY, MATTHEW LONG,
EFREN GARCIA VILLASEÑOR, EVAN PAYNE,
LAUREN VALENCIA,
HERMAN KAHN, JASON MEGGS

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
NORTHERN DIVISION**

RYAN SALSBUURY, et al.,) CASE NO. C-02-0693 MHP
) (Consolidated with C-02-1528MHP)
Plaintiffs,) REQUEST FOR LEAVE TO FILE A
) BRIEF THAT EXCEEDS PAGE LIMIT
vs.) IN RESPONSE TO DEFENDANTS'
) SUMMARY JUDGMENT
CITY OF BERKELEY; BERKELEY) MOTION 97 PAGES)
POLICE DEPARTMENT; et al.) PURSUANT TO L.R. 7-4(b)
)
Defendants.)
_____)

Plaintiffs hereby, pursuant to FRCP Rule 7-4(b) submit the following request for leave to file a memorandum of points and authorities that exceeds the 25 page limit in their response to Defendants motion for summary judgment. The request is made for the following reasons:

A. The case is the merger of two different cases involving over a dozen incidents over the course of three demonstrations, and Plaintiffs response has to include a factual SALSBUURY, et al., v. CITY OF BERKELEY-PLAINTIFFS' REQUEST FOR LEAVE TO FILE EXCESS LENGTH BRIEF IN RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

response to each material fact cited by Defendants. There are seven Plaintiffs, and a like number of Defendants, and five of the Plaintiffs, were the victim of multiple attacks.

B. There are a number of causes of action that Defendants allude to, or lightly touch that Plaintiffs, exercising an appropriate amount of caution wanted to ensure that they covered fully.

C. This case involves a pattern and practice by the Berkeley Police Department over the course of five months, and Plaintiffs needed sufficient space to fully draw out the pattern, and abusive campaign against First Amendment protected activity.

D. Plaintiffs will be substantially prejudiced by the denial of this request, as they cannot fully defend their case without the excess length.

E. Defendants will have sufficient time to reply, and Plaintiffs are willing to stipulate to allow Defendants such additional time as they may need to fully reply to Plaintiffs response.

For all of the above reasons, Plaintiffs' request for leave to file an excess length memorandum of points and authorities should be granted.

Respectfully Submitted:

February 23, 2004

LAWRENCE A. HILDES, ATTORNEY FOR PLAINTIFFS
RYAN SALSURY, MATTHEW LONG, EFREN GARCIA VILLASEÑOR, EVAN
PAYNE, LAUREN VALENCIA, HERMAN KAHN, JASON MEGGS

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