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8 UNITED STATES DISTRICT COURTS
9 EASTERN DISTRICT OF CALIFORNIA
AND NORTHERN DISTRICT OF CALIFORNIA
10 UNITED STATES DISTRICT COURT COMPOSED OF THREE JUDGES
11 PURSUANT TO SECTION 2284, TITLE 28 UNITED STATES CODE

12 RALPH COLEMAN, et al.,

13 Plaintiffs,

14 v.

15 GAVIN NEWSOM, et al.,

16 Defendants.

Case No. 2:90-CV-00520-KJM-DB

THREE JUDGE COURT

17 MARCIANO PLATA, et al.,

18 Plaintiffs,

19 v.

20 GAVIN NEWSOM,

21 Defendants.

Case No. C01-1351 JST

THREE JUDGE COURT

**MOTION TO ENLARGE PAGE
LIMITS FOR COVID-19
EMERGENCY MOTION**

1 The Plaintiff classes in the above-captioned class actions, through counsel, hereby
2 apply for leave to file a memorandum of points and authorities in excess of the page limits
3 provided in the Standing Order of the Hon. Kimberly J. Mueller (20 pages).

4 On September 24, 2007, the Three Judge Court ruled that this proceeding shall be
5 governed by the Local Rules of the Eastern District of California, with the exception that
6 counsel should file motions without hearing dates, and that the Court would set briefing
7 and hearing dates after reviewing the moving papers. *See* Declaration of Ernest Galvan,
8 filed herewith, Exhibit 1, Transcript, Sept. 24, 2007, pages 99-100. Although the Local
9 Rules do not provide for a page limit, the Civil Standing Order of Judge Mueller requires
10 that moving papers and oppositions not exceed 20 pages.

11 (<http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/5020/standing->
12 [orders/](http://www.caed.uscourts.gov/caednew/index.cfm/judges/all-judges/5020/standing-orders/))

13 There is good cause to exceed the 20-page limit here. The Plaintiff classes seek
14 emergency relief to prevent unnecessary irreparable injuries and death that are certain to
15 occur if the COVID-19 virus is allowed to take its natural course in the still-overcrowded
16 California prisons. The Plaintiff classes will provide the Court with a thoroughly
17 researched and factually supported Memorandum of Points and Authorities addressing the
18 population remedies ordered previously by this Court, the inadequacy of those remedies as
19 currently implemented to address the COVID-19 pandemic, and the necessity of relief
20 under the Eighth Amendment to the United States Constitution. In addition, the
21 Memorandum of Points and Authorities will address the factors for prospective relief
22 required by the Prison Litigation Reform Act (PLRA), 18 U.S.C. 3626(a)(1)(A), and the
23 specific provisions of the PLRA that govern orders directed at reducing the prison
24 population, 18 U.S.C. 3626(a)(3). Plaintiffs' counsel has worked diligently to address
25 these matters as concisely as possible, but cannot do so adequately within 20 or 25 pages
26 in the short time period allowed by the present emergency. Plaintiffs' counsel therefore
27 request an enlargement of the page limits to 40 pages for moving and opposition
28 memoranda of points and authorities, and 20 pages for a reply, if any.

1 Plaintiffs' counsel proposed a stipulation to provide the enlargement of pages
2 sought here, but did not receive a reply as of the morning of March 25, 2020. *See*
3 Declaration of Ernest Galvan, filed herewith.

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Respectfully submitted,

DATED: March 25, 2020

ROSEN BIEN GALVAN & GRUNFELD LLP

By: /s/ Ernest Galvan
Ernest Galvan

Attorneys for *Coleman* Plaintiffs