

1 DANIEL G. KNAUSS
United States Attorney
District of Arizona
2 SUE A. KLEIN
Assistant U.S. Attorney (Az. Bar #11253)
3 Two Renaissance Square
40 North Central Avenue Suite 1200
4 Phoenix, Arizona 85004
(602) 514-7500
5 E-mail: sue.klein@usdoj.gov

6 RONALD J. TENPAS
Acting Assistant Attorney General
ANDREW A. SMITH
7 Trial Attorney (NM Bar #8341)
United States Department of Justice
8 Environment and Natural Resources Division
c/o U.S. Attorneys Office
9 P.O. Box 607
Albuquerque, New Mexico 87103
(505) 224-1468
10 E-mail: andrew.smith@usdoj.gov

11 Attorneys for Federal Defendants

12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE DISTRICT OF ARIZONA

14 RIVER RUNNERS FOR)
WILDERNESS, et al.,) Civ. No. 06-0894-PCT-DGC
15)
Plaintiffs,)
16 v.) **FEDERAL DEFENDANTS' MOTION**
STEPHEN P. MARTIN, et al.,¹) **TO FILE OVER-LENGTH SUMMARY**
17) **JUDGMENT REPLY BRIEF**
Federal Defendants,)
18)
GRAND CANYON RIVER)
19 OUTFITTERS ASSOCIATION;)
20 GRAND CANYON PRIVATE)
BOATERS ASSOCIATION,)
21)
Defendant-Intervenors.)
22 _____)

23 Federal Defendants, by and through undersigned counsel of record, hereby
24 respectfully request a two-page extension of the page limit for their October 3, 2007 "Reply
25 Brief in Support of Motion for Summary Judgment," Dkt. No. 81. Federal Defendants'

26 _____
27 ¹ Pursuant to Fed. R. Civ. P. 25(d), Stephen P. Martin, the current Superintendent of
Grand Canyon National Park, is substituted for his predecessor, Joseph F. Alston.

1 Summary Judgment Reply Brief is 22 pages. Under the Court's May 30, 2007 "Order
2 Granting Joint Motion to Extend Page Limits on Summary Judgment Briefing," Dkt. No. 59,
3 Federal Defendants were afforded 20 pages to respond to Plaintiffs' 50-page summary
4 judgment response/reply brief. While Federal Defendants made every reasonable effort to
5 keep within this page limit, reducing many of their arguments to a bare minimum and
6 eliminating citations to case law and Administrative Record materials that would have been
7 helpful to the Court, Federal Defendants were unable to reduce the content any further than
8 22 pages without seriously affecting the substance.

9 Plaintiffs, through counsel of record, have been consulted, and indicated that they
10 opposed an extension to 25 pages, but counsel for Federal Defendants was unable to obtain
11 Plaintiffs' position on an extension to 22 pages before filing this Motion. Federal Defendants
12 note, however, that Plaintiffs' pleading paper allows 28 lines per page, whereas Federal
13 Defendants' pleading paper allows only 27 lines per page. Had Plaintiffs' 50-page
14 response/reply brief been formatted on Federal Defendants' pleading paper, it would have
15 been at least two pages longer or, conversely, Federal Defendants' reply brief would have
16 been only 21 pages had it been formatted on Plaintiffs' pleading paper. Federal Defendants
17 also note that Plaintiffs cannot claim prejudice from Federal Defendants' two extra pages
18 because Defendant-Intervenor Grand Canyon Private Boaters Association's reply brief was
19 only nine pages, instead of the 20 pages it was allocated. Thus, the total of Federal
20 Defendants' reply brief and the two Defendant-Intervenors' reply briefs, even with the
21 extension requested here, is only 51 of the total of 60 pages they were allocated.

22 THEREFORE Federal Defendants respectfully request that the Court extend the page
23 limit for Federal Defendants' October 3, 2007 "Reply Brief in Support of Motion for
24 Summary Judgment," Dkt. No. 81, to 22 pages.

25 Dated: October 3, 2007.

Respectfully Submitted,

26 DANIEL G. KNAUSS
27 United States Attorney
District of Arizona

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

SUE A. KLEIN
Assistant U.S. Attorney

RONALD J. TENPAS
Acting Assistant Attorney General
U.S. Department of Justice
Environment and Natural Resources Division

s/ Andrew A. Smith
ANDREW A. SMITH
Trial Attorney
Natural Resources Section

Of Counsel:

ROBERT C. EATON
Office of the Solicitor
U.S. Department of the Interior

Attorneys for Federal Defendants

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on October 3, 2007, I electronically transmitted the attached
3 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
4 Notice of Electronic Filing to the following CM/ECF registrants:

4 Matthew Bishop
5 Western Environmental Law Center
6 108B Civic Plaza Drive
7 P.O. Box 1507
8 Taos, New Mexico 87571
9 505-751-0351
10 bishop@westernlaw.org

8 Julia A. Olsen
9 Wild Earth Advocates
10 2985 Adams Street
11 Eugene, Oregon 97405
12 541-344-7066
13 jaoearth@aol.com

11 Jonathan D Simon
12 Sam Kalen
13 Van Ness Feldman PC
14 1050 Thomas Jefferson St NW, Suite 700
15 Washington, DC 20007
16 202-298-1932
17 jxs@vnf.com

15 Lori Potter
16 Kaplan Kirsch & Rockwell LLP
17 1675 Broadway, Suite 2300
18 Denver, Colorado 80202
19 303-825-7000
20 lpotter@kaplankirsch.com

20 s/ Andrew A. Smith
21 Andrew A. Smith