

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

WASHINGTON FRONTIER LEAGUE	)	
BASEBALL, LLC, and	)	
STUART A. WILLIAMS,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:14-cv-01862-TWP-DML
	)	
MICHAEL E. ZIMMERMAN,	)	
FRONTIER PROFESSIONAL BASEBALL,	)	
INC., et al.,	)	
	)	
Defendants.	)	

**ORDER ON MOTION FOR LEAVE TO FILE OVERSIZED BRIEF**

This matter is before the Court on Plaintiffs Washington Frontier League Baseball, LLC and Stuart A. Williams’s Motion for Leave to File an Oversized Response Brief in Opposition to the Frontier League’s Motion for Summary Judgment on the Derivative Claims ([Filing No. 208](#)).

On June 3, 2017, Defendant Frontier Professional Baseball, Inc. filed its Motion for Summary Judgment on the Plaintiffs’ derivative claims. Frontier’s summary judgment brief is thirteen pages (only eleven pages for the content of the brief) with two exhibits totaling twenty-seven pages ([Filing No. 177](#)). The summary judgment motion raises arguments concerning: (1) choice of law between Ohio and Indiana, (2) the business judgment rule, and (3) a claim for civil conspiracy to breach fiduciary duties or aiding and abetting in breach of fiduciary duties.

Plaintiffs request leave to file an oversized brief, asserting that they had to “contend with the testimony from nine witnesses and approximately 239 exhibits as well as thousands of pages of documents that have been produced.” ([Filing No. 208 at 1–2](#).) Plaintiffs also assert that the docket has more than two hundred entries, which highlights the extent of the parties’ dispute.

Plaintiffs argue that the issues raised in the summary judgment motion are fact intensive with independent legal standards and elements, thus requiring an oversized response brief. Plaintiffs' proposed response to Frontier's summary judgment motion consists of a 63-page brief (not including the caption, index, and service page) ([Filing No. 209](#)) and nearly eighty exhibits totaling more than 650 pages ([Filing No. 203](#); [Filing No. 204](#)).

The local rules of this district provide that supporting and response briefs (excluding tables of contents, tables of authorities, appendices, and certificates of service) may not exceed 35 pages. Reply briefs may not exceed 20 pages. However, the court may allow a party to file a brief exceeding these page limits for extraordinary and compelling reasons. *See* Local Rule 7-1(1) and (2). This rule is important as page limits on briefs are imposed to maintain judicial efficiency and to invoke fairness to opposing parties. The pressure of a large complex proceeding puts a premium on good organization and efficient use of time and space, but that is a good thing, not a bad thing. Consolidation allows for consistency in decisionmaking; it allows the parties and the reviewing court to see the big picture and not to be misled by fragmentation; and it saves resources for all concerned. *See Beverly California Corp v NLRB*, 227 F.3d 817, 829 (7<sup>th</sup> Cir. 2000). Moreover, oversized briefing is often tedious to read and unnecessarily lengthy.

The Court has skimmed through the docket in this matter and concludes that the record, while extensive, is not unusual for these types of proceedings. Upon review of the parties' summary judgment filings, the Court determines that the issues raised in Frontier's summary judgment motion are discreet and concise and not so overly complex to require such a voluminous response from Plaintiffs. Therefore, the Court **grants in part and denies in part** Plaintiffs' Motion for Leave to File an Oversized Response Brief ([Filing No. 208](#)). The Court **STRIKES** Plaintiffs' response at [Filing No. 209](#). Plaintiffs are granted leave to file an oversized response brief not to

exceed **forty-five (45) pages** (not including the caption, index, and service page) no later than **Thursday, September 21, 2017**. Defendants' reply deadline is adjusted accordingly.

**SO ORDERED.**

Date: 9/7/2017



TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

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