

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

AUTO INDUSTRIES SUPPLIER
EMPLOYEE STOCK OWNERSHIP
PLAN (ESOP),

Plaintiff,

v.

Case No. 03-74357

SNAPP SYSTEMS, INC.,

HONORABLE AVERN COHN

Defendant/Third-Party Plaintiff,

v.

FORD MOTOR COMPANY, SUSAN E.
KOBET, DIANE SENDEK MARCHESE,
CARMEN ZIRLES, and JEFFREY D.
COLLINS,

Third-Party Defendants.

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ORDER
DENYING SNAPP'S MOTION TO FILE ITS RESPONSE BRIEFS IN EXCESS OF THE
PAGE LIMIT SET FORTH BY E.D. MICH. L.R. 7.1.
AND
STRIKING SNAPP'S RESPONSE BRIEFS (Dkt. #, 579, 580, 581, 582, 583, 584, 585,
and 588)
AND
DIRECTING SNAPP TO FILE A SINGLE RESPONSE BRIEF NOT TO EXCEED 40
PAGES WITHIN 10 DAYS
AND
STRIKING SNAPP'S COUNTER-STATEMENT OF DISPUTED FACTS (within Dkt. #
586)
AND
AFFORDING SNAPP THE RIGHT TO FILE A NEW COUNTER-STATEMENT, NOT TO
EXCEED 10 PAGES AND 20 PARAGRAPHS, WITHIN 10 DAYS

This is a breach of contract case made complex primarily due to the voluminous nature of the filings. Three contracts are at issue: (1) the 1995 Framework Agreement,

as amended in 1996, (2) the Master Lease Agreement, and (3) the 1999 Transition Agreement. SNAPP seeks approximately 1.3 billion dollars in damages.

On December 23, 2008, the Court struck SNAPP's damages analysis and related testimony.¹ The Court also directed Ford to file an amended motion for summary judgment in light of the Court's order. On January 12, 2009, Ford filed an amended motion and brief (Dkt. # 575). The brief is 37 pages.

On February 19, 2009, SNAPP, rather than filing a single response and brief, filed eight separate response briefs, aggregating 120 pages. See Dkt. # 579, 580, 581, 582, 583, 584, 585, and 588. Also on February 19, 2009, SNAPP filed a motion styled

SNAPP's Motion to File Its Response Briefs in Excess of the Page Limit Set forth by E.D. Mich. LR 7.1 (Dkt. # 587).

The motion does not set forth the specific number of pages, but simply requests "additional pages for its Responses in Opposition to Ford's Amended Motions² for Summary Judgment."

SNAPP's multiple responses violate the requirements of E.D. Mich. LR 7.1(c)(3) which clearly contemplates a single response brief. SNAPP's filings are plainly an effort to circumvent the requirements of LR 7.1(c)(3) far beyond a mere page extension by filing multiple briefs in response to a single motion.³ This is not the first time SNAPP has done this. See Order Regarding Ford's Motion to Strike, filed October 7, 2008 (Dkt. #

¹SNAPP filed a motion for reconsideration, which is pending.

²Notably, Ford did not file motions for summary judgment, but rather a single motion for summary judgment, asserting several arguments in support of summary judgment.

³It is not clear that SNAPP's multiple responses track Ford's arguments advanced in support of summary judgment.

566).

Additionally, Ford in support of its motion for summary judgment filed a Statement of Material Facts Not in Dispute (Dkt. # 576) which runs 7 pages and has 40 separately numbered paragraphs. SNAPP's response is in two parts (Dkt. # 586). The first part is a response to Ford's statement; it runs 18 pages. This is not excessive. The second is a counter-statement of disputed facts; it runs 34 pages and has 188 separately numbered paragraphs. This is clearly excessive.

Accordingly,

1. SNAPP's motion to file its response briefs in excess of the page limits is DENIED.
2. SNAPP's responses, Dkt. # 579, 580, 581, 582, 583, 584, 585, and 588 are STRICKEN.
3. SNAPP shall file a single response brief to Ford's motion not to exceed 40 pages within 10 days.
4. SNAPP's counter-statement of material facts in dispute (within Dkt. # 586) is STRICKEN. If SNAPP chooses to file an amended counter-statement, it may do so. However, such a counter-statement shall not exceed 10 pages and contain not more than 20 paragraphs and shall be filed within 10 days.

SO ORDERED.

Dated: February 23, 2009

s/Avern Cohn
AVERN COHN
UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was mailed to the attorneys of record on this date, February 23, 2009, by electronic and/or ordinary mail.

s/Julie Owens
Case Manager, (313) 234-5160