

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE LOS ALAMOS STUDY GROUP,

Plaintiff,

v.

Case No. 1:10-CV-0760-JH-ACT

UNITED STATES DEPARTMENT OF
ENERGY; THE HONORABLE STEVEN
CHU, in his capacity as SECRETARY,
DEPARTMENT OF ENERGY;
NATIONAL NUCLEAR SECURITY
ADMINISTRATION; THE HONORABLE
THOMAS PAUL D'AGOSTINO, in his
Capacity as ADMINSTRATOR,
NATIONAL NUCLEAR SECURITY
ADMINISTRATION,

Defendants.

PLAINTIFF'S MOTION TO EXCEED PAGE LIMITATIONS

Plaintiff The Los Alamos Study Group submits this motion to exceed the page limitations for its reply memorandum in support of its motion for preliminary injunction. As grounds for this motion, plaintiff states:

1. This case presents a historically significant application of the National Environmental Policy Act ("NEPA") to an enormous project of the United States Department of Energy that has unprecedented potential impacts for the State of New Mexico.
2. The twelve (12) page limitation for reply briefs contained within D.N.M.LR-Civ. 7.5 does not supply the plaintiff with adequate space in which to explain the intricacies of defendants' project. Put simply, plaintiff requires more space in order to marshal the facts of this significant project and its relationship to the legal requirements of NEPA.

3. In particular, plaintiff cannot condense its reply because there is no administrative record that plaintiff can reference or on which the Court can rely. As such, plaintiff is compelled to develop the record independently, without discovery from defendants, in order to address the factually-intensive matters requiring the Court's consideration and the application of these matters to NEPA. Notably, the absence of a meaningful record has prompted both parties to routinely agree to the filing of exhibits in excess of the fifty (50) page limitation.

4. Plaintiff has conferred with opposing counsel regarding its proposed page extensions. Opposing counsel does not agree that plaintiff's reply brief should be permitted to exceed the page limitation for reply briefs by more than two (2) pages.

WHEREFORE, plaintiff respectfully requests an extension of the applicable page limitations for its reply memorandum in support of its motion for preliminary injunction to twenty-three (23) pages. Plaintiff is filing its reply memorandum provisionally today, pending the court's determination of this matter.

Respectfully submitted,

[Electronically Filed]

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Certificate of Service

I hereby certify that on this 14th day of January, 2010, I filed the foregoing *Motion to Exceed Page Limits* electronically through the CM/ECF System, which caused the following parties or counsel of record to be served by electronic means as more fully reflected in the Notice of Electronic Filing:

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