

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA ex rel.
CORI RIGSBY and KERRI RIGSBY

RELATORS/COUNTER-DEFENDANTS

v.

CASE NO. 1:06cv433-LTS-RHW

STATE FARM MUTUAL INSURANCE COMPANY DEFENDANT/COUNTER-PLAINTIFF

and

FORENSIC ANALYSIS ENGINEERING CORPORATION;
EXPONENT, INC.; HAAG ENGINEERING CO.;
JADE ENGINEERING; RIMKUS CONSULTING GROUP INC.;
STRUCTURES GROUP; E. A. RENFROE, INC.;
JANA RENFROE; GENE RENFROE; and
ALEXIS KING

DEFENDANTS

**STATE FARM FIRE AND CASUALTY COMPANY'S
MOTION FOR LEAVE TO EXCEED PAGE LIMITATIONS
WITH RESPECT TO ITS REBUTTAL IN SUPPORT OF ITS
[98] MOTION TO DISMISS THE AMENDED COMPLAINT UNDER
FEDERAL RULES OF CIVIL PROCEDURE 12(b)(6) AND RULE 9(b)**

Defendant/Counter-Plaintiff State Farm Fire and Casualty Company, improperly denominated in the First Amended Complaint as “State Farm Mutual Insurance Company” (“State Farm”), subject to all its defenses, including its Rule 9 & 12 defenses, submits this Motion for Leave to Exceed Page Limitations with respect to its Rebuttal in Support of [98] Motion to Dismiss the Amended Complaint Under Federal Rules of Civil Procedure 12(b)(6) and Rule 9(b) (“Motion to Dismiss”). State Farm would show:

1. Miss. Unif. Dist. Ct. R. 7.2(E) limits memoranda to thirty five pages in cumulative length.

2. State Farm's [99] opening memorandum in support of its Motion to Dismiss contains slightly under thirty one pages of substantive text – leaving State Farm only four pages within the thirty five page cumulative limit for its forthcoming Rebuttal.¹

3. State Farm cannot adequately rebut the Rigsbys' [224] Response to the Motion to Dismiss in four pages.

4. State Farm respectfully requests leave of Court to exceed the thirty five page cumulative limit with respect to both its opening memorandum and its Rebuttal in Support of its Motion to Dismiss.

5. Specifically, State Farm respectfully requests that it be granted eleven additional pages, which would permit it a Rebuttal not exceeding a total of fifteen pages in length.

6. Due to the procedural nature of this motion, State Farm is not submitting a separate memorandum of authorities in support of this motion. State Farm prays that this Court will accept this motion without necessity of a separate memorandum.

WHEREFORE, PREMISES CONSIDERED, State Farm prays that the Court will grant it leave to exceed the page limitations set forth in the Local Rules with respect to both its opening memorandum and its Rebuttal in Support of its Motion to Dismiss. Specifically, State Farm respectfully requests that it be granted eleven additional pages, which would permit it a Rebuttal not exceeding a total of fifteen pages in length. State Farm further prays for such different, additional or supplemental relief as may be appropriate in the premises.

¹ In the Rigsbys' ([224] "Opposition to Defendants' Motions to Dismiss the Amended Complaint Under Rules 12(b)(6) and 9(b)" at 32 n.19), they suggest that State Farm's [203] evidentiary supplement Attachment to [98] should count against State Farm's memoranda page-limitation, even though the Attachment contains not a single case citation and is not a brief. Nonetheless, this contention by the Rigsbys is yet another reason State Farm has decided to bring this matter to the Court's attention and request relief prior to filing its upcoming Rebuttal in Support of its Motion to Dismiss.

This the 16th day of September, 2008.

Respectfully submitted,

STATE FARM FIRE AND CASUALTY COMPANY

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PRO HAC VICE

CERTIFICATE OF SERVICE

I, E. Barney Robinson III, one of the attorneys for State Farm Fire and Casualty Company, do hereby certify that I have this day caused a true and correct copy of the foregoing instrument to be delivered to the following, via the means directed by the Court's Electronic Filing System or as otherwise set forth:

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THIS the 16th day of September, 2008.

s/ E. Barney Robinson III (MSB # 09432)
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