

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

UHLIG LLC,

Plaintiff/Counter Defendant,

v.

CORELOGIC, INC., et al.,

Defendants/Counter Claimants.

Case No. 21-2543-DDC

MEMORANDUM AND ORDER

The court limited plaintiff Uhlig LLC's summary judgment reply to 25 pages, an already generous extension of the limit set by D. Kan. Rule 7.1(d)(2). Doc. 322. Defendants CoreLogic Solutions and CoreLogic, Inc. accuse plaintiff of trying to circumvent this page limit. Plaintiff properly filed a 22-page summary judgment reply brief that included plaintiff's response to defendants' summary judgment facts. *See generally* Doc. 325. But plaintiff also wanted to reply to its own summary judgment facts. So, plaintiff attached Exhibit 53 to its reply brief, which replies to its own summary judgment facts in 48 single-spaced pages. *See* Doc. 325-2. Defendants have filed a Motion to Strike (Doc. 334) that asks the court to strike plaintiff's Exhibit 53 because it violates our court's local rules.

Indeed, D. Kan. Rule 56.1(b)(1) requires parties to confine their factual disputes to their briefs. Plaintiff doesn't dispute this limit. Doc. 339 at 2. Instead, plaintiff asserts that Exhibit 53 doesn't contain argument.¹ And plaintiff asserts that it can't find any procedural rule

¹ This is a dubious claim. Plaintiff asserts "Exhibit 53 does not contain argument; rather, it points to the record where CoreLogic's statements are inaccurate or contradicted or supplies the legal basis upon which CoreLogic's response is infirm." Doc. 339 at 1. This challenge reads like argument.

forbidding its method. Plaintiff also “believes that such exhibits are routinely submitted to this District[.]” *Id.* at 1. Plaintiff is simply wrong.

Since our court adopted its page limits on summary judgment briefing in 2022, D. Kan. Rule 7.1, this court routinely has struck filings like plaintiff’s, *Orchestrate HR, Inc. v. Blue Cross & Blue Shield of Kan., Inc.*, No. 19-4007, 2024 WL 277893, at *2 (D. Kan. Jan. 25, 2024) (striking evidentiary objections attached as exhibit to summary judgment brief); *McCray v. McDonough*, No. 22-2154, 2023 WL 8005026, at *1–2 (D. Kan. Nov. 17, 2023) (striking summary judgment facts that exceeded 40-page limit on summary judgment briefing). The court refuses to abide an approach empowering parties to grant themselves extra pages by moving their factual disputes to exhibits—a place where no page limit exists. That’s not the way page limits work in this judicial district.²

The court thus grants defendants’ Motion to Strike (Doc. 334) and will not consider plaintiff’s Exhibit 53 when deciding plaintiff’s Motion for Summary Judgment (Doc. 283).

The court also considers plaintiff’s Motion to Seal (Doc. 341), which addresses the now-stricken Exhibit 53. Plaintiff’s sealing request asks the court to maintain Exhibit 53 (Doc. 325-2) under seal. Doc. 341 at 1. When the court strikes a document, the clerk of the court seals that document as a matter of course. So, because this Order strikes Exhibit 53, the clerk will seal it under its own processes, and moot plaintiff’s request to seal the document. Plaintiff also asks the court to seal Doc. 336, which is an excerpt of Exhibit 53. Doc. 341 at 2. Because the court has stricken and sealed Exhibit 53, the court grants plaintiff’s request to seal the excerpt in Doc. 336.

² Plaintiff asserts that our local rules don’t require parties to include replies to summary judgment facts in the reply brief. But the court doesn’t design its local rules to list everything parties must include in a reply brief. And on its best day, plaintiff’s approach doesn’t comply with the spirit of our local rules. The court won’t reward it, and it certainly won’t reward it in a case where the parties have spilled too much ink already.

The court won't consider Exhibit 53 at summary judgment, so there is no need for any excerpt of Exhibit 53 to exist in the public record. The court thus grants plaintiff's Motion to Seal (Doc. 341) in part and denies it as moot in part.

IT IS THEREFORE ORDERED BY THE COURT THAT defendants' Motion to Strike (Doc. 334) is granted.

IT IS FURTHER ORDERED THAT plaintiff's Motion to Seal (Doc. 341) is granted in part and denied in part. Because the court struck Doc. 325-2, the clerk of the court shall seal the document permanently, and plaintiff's request to seal this document is denied as moot. Doc. 336 shall remain under seal and the clerk is directed to remove the provisional designation from this document.

IT IS SO ORDERED.

Dated this 9th day of April, 2024, at Kansas City, Kansas.

s/ Daniel D. Crabtree
Daniel D. Crabtree
United States District Judge