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3:02-CV-00448 SOCIETY OF LLOYDS V. BLACKWELL

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1 Greg J. Ryan, Esq., State Bar No. 096071
LAW OFFICES OF GREG J. RYAN, APLC
2 1010 Second Avenue, Suite 2500
San Diego, CA 92101
3 Telephone: (619) 239-4848
Facsimile: (619) 239-8858

FILED

02 SEP 27 PM 3:50

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

4 Theodore W. Grippo, Jr. (Admitted Pro Hac Vice)
5 LINDENBAUM COFFMAN, KURLANDER BRISKY & GRIPPO, LTD DEPUTY
Three First National Plaza, Suite 2315
6 Chicago, Illinois 60602-4206
Telephone: (312) 855-4410
7 Facsimile: (312) 855-4423

8 Attorneys for Defendants, ROBERT C. BLACKWELL, SAMME JO BRADY, JOHN R. DOUGERY, JOSEPH
MELVIN GAGLIARDI, HARRY WALTER GORST, FREDERICK GORDON GRAEBER, MICHAEL CALVIN HIRSH,
9 IVARS RALPH JANIEKS, WILLIAM DOBSON KILDUFF, JANE ELIZABETH LAMB, DONALD RUDOLPH LAUB,
GEOFFREY O. MAVIS, WILLIAM FENTON MILLER JR., ROBERT MARSHALL MORTON, CHARLES WEBB OTT,
10 RONALD GEORGE SPENO, STEPHEN JOHN WILSEY, PETER FRANCIS ZINSLI,

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

11
12 THE SOCIETY OF LLOYD'S,

13 Plaintiff,

14 v.

15 ROBERT C. BLACKWELL, SAMME JO BRADY,
COCO ALEXANDRA ELIZABETH CARTER,
16 JOHN R. DOUGERY, JOSEPH MELVIN
GAGLIARDI, HARRY WALTER GORST,
17 FREDERICK GORDON GRAEBER, MICHAEL
CALVIN HIRSH, IVARS RALPH JANIEKS,
18 ROWLAND WILLIAM JOHNSTON, WILLIAM
DOBSON KILDUFF, JANE ELIZABETH LAMB,
19 DONALD RUDOLPH LAUB, FRANK F. S. LIN,
ROBERT KRAMER LOWRY, GEOFFREY O.
20 MAVIS, WILLIAM FENTON MILLER JR.,
ROBERT MARSHALL MORTON, CHARLES
21 WEBB OTT, RICHARD DAVID ROSENBLATT,
RONALD GEORGE SPENO, ROBERT LYNN
22 SWISHER, STEPHEN JOHN WILSEY, PETER
FRANCIS ZINSLI, DOES 1-100 AS PERSONAL
23 REPRESENTATIVES, BENEFICIARIES AND
TRUSTEES OF THE TRUST OF ALFRED
24 VERNE BALLARD'S ESTATE, DOES 1-100 AS
PERSONAL REPRESENTATIVES,
25 BENEFICIARIES AND TRUSTEES OF THE
TRUST OF DELMAR ABSHER BRADY'S
26 ESTATE,

27 Defendants.
28

) Case No. 02 CV 0448 J(AJB)

) **BLACKWELL DEFENDANTS**
) **EX PARTE MOTION FOR**
) **LEAVE TO FILE OPPOSITION**
) **BRIEF EXCEEDING 25 PAGES;**
) **DECLARATION OF GREG J.**
) **RYAN**

) Courtroom: 2nd Floor, Room 12
) Honorable Napoleon A. Jones

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Pursuant to Local Civil Rule 7.1.h, Defendants Robert C. Blackwell, Samme Jo Brady, John R. Dougery, Joseph Melvin Gagliardi, Harry Walter Gorst, Frederick/ Gordon Graeber, Michael Calvin Hirsh, Ivars Ralph Janieks, William Dobson Kilduff, Jane Elizabeth Lamb, Donald Rudolph Laub, Geoffrey O. Mavis, William Fenton Miller Jr., Robert Marshall Morton, Charles Webb Ott, Ronald George Speno, Stephen John Wilsey, Peter Francis Zinsli, ("Blackwell defendants") move for leave to file an opposition brief exceeding 25 pages on grounds that the facts and law at issue in Plaintiff Lloyd's motion for summary judgment are complicated and complex, requiring more extended responsive briefing than can be adequately accomplished in 25 pages. Defendants' opposition is to be filed and served by October 14, 2002.

The grounds for relief are more particularly set forth in the attached Declaration of Greg J. Ryan. The Blackwell defendants respectfully request leave to file an opposition brief not exceeding 55 pages so that this Court may resolve plaintiff Lloyd's motion for summary judgment on the basis of an adequate responsive briefing from defendants.

Respectfully submitted,
LAW OFFICES OF GREG J. RYAN, APLC

Dated: September 27, 2002

By: Greg J. Ryan
Greg J. Ryan, Esq.
Attorneys for Defendants

DECLARATION OF GREG J. RYAN

I, Greg J. Ryan, declare:

1. I am an attorney at law duly licensed to practice in all the Courts of the State of California. I am certified to practice law in the United States District Court, Southern District of California and I am co-counsel for the Blackwell defendants in this matter. I have personal knowledge of the facts contained in this declaration and could and would competently testify thereto if called upon to do so.

2. The Blackwell defendants request leave of this Court to file an opposition brief exceeding 25 pages to Lloyd's motion for summary judgment. The facts and law at issue on the motion are complicated and complex. Sufficiently setting forth the facts and issues alone will require 25 pages (See e.g., Johnston defendants Answer and Counter-Claim filed on August 20, 2002 consisting of 43 pages). Plaintiff Lloyd's brief addresses the facts and law, if at all, in only a conclusory manner. Blackwell defendants respectfully request the opportunity to file an opposition brief not to exceed 55 pages.

3. On September 24, 2002, I telephoned counsel for plaintiff Lloyd's, Susan Chun, to ask if Lloyd's would stipulate to waive the 25 page limit for the opposition brief in exchange for defendants waiver of the 10 page limitation on Lloyd's Reply brief. It was my intent to submit a stipulation to this Court in support of a request for leave to exceed the 25 page limit set forth in Local Civil Rule 7.1.h.

4. On September 25, 2002, counsel for Lloyd's advised that it opposed defendant's request for leave to file a brief exceeding 25 pages.

I declare under penalty of perjury under the laws of the state of California, United States of America, that the foregoing is true and correct.

Executed this 27 day of September, 2002, in San Diego, California.



GREG J. RYAN, Declarant

1 Greg J. Ryan, Esq., State Bar No. 096071
LAW OFFICES OF GREG J. RYAN, APC
2 1010 Second Avenue, Suite 2500
San Diego, CA 92101
3 Telephone: (619) 239-4848
Facsimile: (619) 239-8858

4 Theodore W. Grippo, Jr. (Admitted Pro Hac Vice)
5 LINDENBAUM COFFMAN
KURLANDER BRISKY & GRIPPO, LTD
6 Three First National Plaza, Suite 2315
Chicago, Illinois 60602-4206
7 Telephone: (312) 855-4410
Facsimile: (312) 855-4423

8 Attorneys for ROBERT C. BLACKWELL, SAMME JO BRADY, JOHN R. DOUGERY, JOSEPH MELVIN
9 GAGLIARDI, HARRY WALTER GORST, FREDERICK GORDON GRAEBER, MICHAEL CALVIN HIRSH, IVARS
RALPH JANIEKS, WILLIAM DOBSON KILDUFF, JANE ELIZABETH LAMB, DONALD RUDOLPH LAUB, GEOFFREY
10 O. MAVIS, WILLIAM FENTON MILLER JR., ROBERT MARSHALL MORTON, RONALD GEORGE SPENO, CHARLES
WEBB OTT, STEPHEN JOHN WILSEY, PETER FRANCIS ZINSLI,

11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**

13
14 THE SOCIETY OF LLOYD'S,) Case No. 02 CV 0448 J (AJB)
15)
Plaintiff,)
16 v.)

17) **PROOF OF SERVICE**
18)
ROBERT C. BLACKWELL, SAMME JO BRADY,)
19 COCO ALEXANDRA ELIZABETH CARTER, JOHN)
20 R. DOUGERY, JOSEPH MELVIN GAGLIARDI,)
21 HARRY WALTER GORST, FREDERICK GORDON) JUDGE: Honorable Napoleon A. Jones
22 GRAEBER, MICHAEL CALVIN HIRSH, IVARS) Presiding
23 RALPH JANIEKS, ROWLAND WLLIAM)
24 JOHNSTON, WILLIAM DOBSON KILDUFF, JANE)
25 ELIZABETH LAMB, DONALD RUDOLPH LAUB,)
26 FRANK F. S. LIN, ROBERT KRAMER LOWRY,)
27 GEOFFREY O. MAVIS, WILLIAM FENTON MILLER)
28 JR., ROBERT MARSHALL MORTON, CHARLES)
WEBB OTT, RICHARD DAVID ROSENBLATT,)
RONALD GEORGE SPENO, ROBERT LYNN)
SWISHER, STEPHEN JOHN WILSEY, PETER)
FRANCIS ZINSLI, DOES 1-100 AS PERSONAL)
REPRESENTATIVES, BENEFICIARIES AND)
TRUSTEES OF THE TRUST OF ALFRED VERNE)
BALLARD'S ESTATE, DOES 1-100 AS PERSONAL)
REPRESENTATIVES, BENEFICIARIES AND)
TRUSTEES OF THE TRUST OF DELMAR ABSHER)
BRADY'S ESTATE,)
Defendants.)

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I, Sheryl D. Adams, declare:

That I am, and was at the time of service of the papers herein referred to, over the age of 18 years, and not a party to this action; and I am employed in the County of San Diego, California, within which county the subject mailing occurred. My business address is 1010 Second Avenue, Suite 2500, San Diego, California 92101.

On September 27, 2002, I served the following document(s):

- 1. **BLACKWELL DEFENDANTS EX PARTE MOTION FOR LEAVE TO FILE OPPOSITION BRIEF EXCEEDING 25 PAGES; DECLARATION OF GREG J. RYAN**

BY MAIL: I declare that I am readily familiar with the business practice for collection and processing of correspondence for mailing with the United States Postal Service; that the correspondence shall be deposited with the United States Postal Service this same day in the ordinary course of business; and that a true copy was placed in a separate envelope, with postage thereon fully prepaid for each addressee named hereafter:

Steven D. Alexander, Esq.
 Susan Chun, Esq.
 Fried, Frank, Harris, Shriver
 and Jacobson
 350 South Grand Avenue
 Two California Plaza, Suite 3200
 Los Angeles, CA 90071-5438
 (213) 473-2000
Attorney for Plaintiff
THE SOCIETY OF LLOYD'S

Kenneth R. Chiate, Esq.
 Pillsbury Winthrop, LLP
 725 South Figueroa Street, Ste. 2800
 Los Angeles, CA 90017
 (213) 488-7111
Attorneys for JOHNSTON
DEFENDANTS

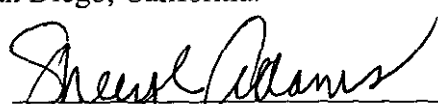
BY PERSONAL SERVICE: I placed a true copy of the above documents in a sealed envelope clearly labeled to identify the attorney for the party being served, and personally caused said such envelope to be personally delivered by hand by DLS Attorney Service, leaving a copy with the receptionist or other person in charge at the office of each addressee named hereafter:

BY FACSIMILE: I declare that upon the prior agreement of the party being served, I served the above named documents by facsimile transmission during usual office hours **from facsimile number (619) 239-5601**, to a facsimile machine maintained by the person on whom it is served and that the transmission was reported as complete and without error. Thereafter, I mailed (by first-class mail, postage prepaid) a true copy to each addressee named hereafter:

STATE: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on September 27, 2002.

FEDERAL: I hereby certify that I am employed in the office of a member of the Bar of the Court at whose direction this service was made.

Executed **September 27, 2002**, at San Diego, California.



 SHERYL D. ADAMS