

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

VITO J. FENELLO, JR.)
and BEVERLY H. FENELLO)
)
Plaintiffs,)
)
v.) CIVIL ACTION FILE
) NO. 1:11-cv-04139-WSD
BANK OF AMERICA, N.A., and)
THE BANK OF NEW YORK MELLON)
(as Trustee for CWALT, Inc.),)
)
Defendants.)
_____)

PLAINTIFFS' RESPONSE TO DEFENDANTS'
MOTION TO EXCEED PAGE LIMITATION

According to STANDING ORDER REGARDING CIVIL LITIGATION as
issued by the Honorable Judge William S. Duffey, Jr.:

2. Extensions of Page Limits

The Court generally does not approve extensions of page limitations. Parties seeking an extension of the page limit must do so at least ten (10) days in advance of their filing deadline. If a party files a motion to extend the page limit at the same time their brief is due, the extension request will be denied absent a compelling and unanticipated reason to exceed the page limit.

Opposing council's decision to wait until the very last day to remove this case to Federal Court does not constitute a compelling and unanticipated reason to waive the ten (10) day advance notice requirement.

Further, Plaintiffs dispute Defendants' rationale for exceeding the page limitation in the first place. Instead of addressing the original complaint in an organized and factual way, it appears that opposing council used boiler plate responses that are, on its face, inapplicable to the causes of action at hand.

For example, opposing councils' attempts to address questions about the Promissory Note (specifically standing and holder in due course status), devolves into unrelated discussions about MERS and the validity of the Security Deed.

WHEREFORE, for the above and foregoing reasons, Plaintiffs respectfully request that Defendants' Motion to Exceed Page Limitation be DENIED.

Respectfully submitted,

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