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5 In Pro Persona
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7 **SUPERIOR COURT OF CALIFORNIA, SANTA CLARA COUNTY**
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9 JAY BLAS JACOB CABRERA) Case No. : 113CV245239
10 Plaintiff,)
11)
12 vs.) REPLY MEMORANDUM OF
13) PLAINTIFF JAY BLAS JACOB
14 Santa Clara County Board of Registrar) CABRERA IN OPPOSITION
15 Santa Clara County Board of Supervisors) TO MOTION TO STRIKE
16 Santa Clara Registrar of Voters) SECOND AMENDED COMPLAINT
17 Santa Clara County)
18 Santa Clara Department of Revenue) May 27th, 2014 9am
19 Defendants)
20 _____)

21
22 **INTRODUCTION**

23 The Defense has filed a motion to strike the second amended complaint on the
24 grounds that the Plaintiff violated the California Rules of the Court 3.1113, after the
25 Judge had specifically required the Plaintiff not to do so.
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1 **POINTS AND AUTHORITIES**

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3 There is no question that the length of the amended complaint is 47 pages and
4 this page length is longer than the page length established in Rule 3.1113, but the
5 Defendants are incorrect in making the determination that Rule 3.1113 applies to the
6 Plaintiffs Second Amended Complaint.

7 Rule 3.1113 only applies to an "opening or responding memorandum", a
8 "summary judgment or summary adjudication motion", and to a "reply or closing
9 memorandum". Rule 3.1113 does not apply to complaints or amended complaints.
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11 The California Rules of the Court do not set forth a page limit for complaints or
12 exhibits to complaints. This is because there is no limitation on the number of causes of
13 action that can be pleaded and the law requires fact pleading as to each. Therefore
14 these documents can be as long as they need to be to state a Plaintiffs Case.

15 Additionally the specific reasoning for the extended length of the Plaintiffs
16 Second Amended Complaint was only due to the expansion of a single section for the
17 Cause of Action, to now having nine separate and detailed Causes of Action sections
18 within the Complaint. This would directly apply to the complaint increasing in size up to
19 nine times, although it only doubled in size, and the Court, as well as the defense,
20 should be grateful for that.

21
22 The Plaintiff has also payed close attention to page length for his first responding
23 memorandum to the County's Opening Demurrer Memorandum, to it keep it under 15
24 pages in length to abide by the Rule 3.1113 of the Court. For additional demurrer replys
25 the Plaintiff will keep them under 10 pages as required.

26 The Plaintiff respectfully requests the Court to overrule the Defendants Motion to Strike,
27 based on the fact that the Plaintiffs Amended Complaint does meet the California Rules
28 of the Court in context to page length.

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2 **CONCLUSION**

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4 For all the foregoing reasons, the Motion to Strike of the County Defendants
5 should be overruled.

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7 DATED: May 9th, 2014

RESPECTFULLY SUBMITTED,

8 By: _____

9 Jay Blas Jacob Cabrera

10 Plaintiff in Pro Persona
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