

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

CANDICE LOUISE CURTIS, *ET AL.* §
§
VS. §
§ **Civil Action No. 4:16-cv-01969**
CANDACE KUNZ-FREED, *ET AL.* §
§
§

DEFENDANTS JUDGE CHRISTINE RIDDLE BUTTS, JUDGE CLARINDA COMSTOCK & TONY BAIAMONTE’S UNOPPOSED MOTION FOR LEAVE TO FILE MOTION TO DISMISS IN EXCESS OF PAGE LIMIT

Defendants Judge Christine Riddle Butts, Judge Clarinda Comstock and Tony Baiamonte (collectively “Defendants”), hereby file the following Unopposed Motion for Leave to File Motion to Dismiss In Excess of Page Limit (“Motion”).

Section B(5)(E) of Judge Alfred H. Bennett’s Court Procedures limit the filing of documents such as Defendants’ Motion to Dismiss to 20 pages without leave of Court. The Court Procedures further directs the parties to seek leave when their documents exceed the page limit. Defendants seek leave to file their Motion to Dismiss in excess of the page limit, because of the complexity of the facts and law relevant to this case, and the length of the claims asserted by Plaintiffs in their extensive 62-page, 217 paragraph Complaint, the complexity of the RICO case law relevant to this case, and the number of counts alleged against Defendants (Plaintiffs have asserted at least 16 of 47 claims against the Honorable Judges and Mr. Baiamonte).

Defendants have exercised best efforts to keep their Rule 12(b)(1) and (6) Motion to Dismiss as concise, and to the point, as possible. However, the Plaintiffs' RICO claims as currently plead are believed by Defendants, after reasonable inquiry into the relevant Supreme Court and Fifth Circuit Authority, to be so deficient (as to, *inter alia*, "RICO standing and proximate cause," "RICO standing and direct injury," "pattern," "enterprise," "conspiracy," and "predicate act nexus to direct injury"), that extensive briefing was required to adequately address the myriad pleading deficiencies requiring dismissal.

Defendants' Motion is 31 pages, *exclusive of* the certificate of service. Defendants pray the Court grant them leave to file their Motion to Dismiss. This Motion for Leave is unopposed by the Plaintiffs.

PRAYER

For the reasons set forth above, Defendants Judge Christine Riddle Butts, Judge Clarinda Comstock and Tony Baiamonte respectfully request the Court grant their Motion for Leave to file Motion to Dismiss in Excess of Page Limits, and award these Defendants such other and further relief, at law or in equity, to which Defendants may show themselves to be justly entitled.

Dated: October 7, 2016.

Respectfully Submitted,

/s/ Laura Beckman Hedge

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BAIAMONTE**

OF COUNSEL:

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing instrument has been served on all counsel of record in accordance with the Federal Rules of Civil Procedure on this the 7th day of October, 2016, via ECF.

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