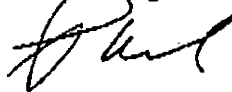


Chuck McCrea
January 21, 1991
Page 5

ting; (ii) the "continuing wrong" exception (see last paragraph)? (I would not be surprised if the latter dead-ends quickly.) I believe we have most of the authority we need for the rest of the brief.

The Ninth Circuit Local Rule on type size for briefs is attached. I've been told there was a fairly recent Ninth Circuit decision striking a brief for being too long. I also recall reading of a decision within the last five years, as I recall in the 8th or 10th circuits, in which lawyers were fined \$500 for violating the page limitations by cramming large quantities of text into numerous single-space footnotes. On the Ninth Circuit case, I'd suggest a simple Westlaw search on the Local Rule number within the Ninth Circuit. On the decision in the other circuit, some probable associated keywords are "page limit!", "\$500", "sanction or fine", and "excessive w/1 footnotes".

Sincerely,



PAUL E. MERRELL

PEM: pem

enc.