

SEP 03 2026

TRENT TRIPPLE, Clerk
BY ANNA MEYER
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

BRYAN C. KOHBERGER,

Petitioner,

vs.

STATE OF IDAHO,

Respondent.

Case No. CV01-26-15094

ORDER GRANTING LEAVE TO
EXCEED PAGE LIMIT

Before the Court is Petitioner's motion to exceed the page limit prescribed by the Fourth Judicial District Local Rule 8.1 in filing his "Motion to Disqualify Judge for Cause Pursuant to I.R.C.P Rule 40(b) or, In the Alternative, Request for Voluntary Disqualification Pursuant to Rule 40(c)" (Aug. 27, 2026). Petitioner contends good cause exists for the enlargement of the page limit due to the fact-intensive and legally complex issues presented by the motion.

Pursuant to Local Rule 8.1, a memorandum accompanying a non-dispositive motion is limited to 15 pages. Local Rule 8.3 requires "prior leave of court" to exceed this page limitation. The Court finds there is good cause in this case to permit enlargement of the page limit to 24 pages.¹ However, Petitioner did not seek "prior leave of court" before filing his overlength motion. The Court's disdain for this tactic was aptly summarized by former Ninth Circuit Judge Alex Kozinski, to wit:

This has become a common and rather lamentable practice: Instead of getting leave to file an oversized brief before the deadline, lawyers wait for the last minute to file chubby briefs and dare us to bounce them. Of course, it's hard to decide cases without a brief from one of the parties, and denying the motion usually knocks the briefing and argument schedule out of kilter. Denying the motion is thus more trouble than allowing the brief to be filed and putting up with the additional unnecessary pages. Sly lawyers take advantage of this institutional inertia to flout our page limits with impunity. This encourages disdain for our

¹ This includes the Motion to Disqualify and sealed Supplemental Memorandum in support.

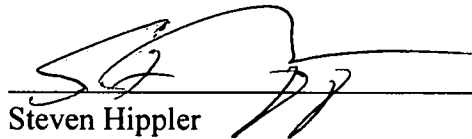
rules and penalizes lawyers, like petitioner's counsel, who make the effort to comply.

Cuevas v. Hartley, 835 F.3d 892, 893 (9th Cir. 2016) (Kozinski, J., dissenting).

While the Court will not penalize Petitioner at this juncture for the improper filing, it will not so readily grant forgiveness in the future. Further, because Petitioner is permitted an enlargement, the Court will permit the State the same in filing its responsive brief.

IT IS SO ORDERED.

Dated this 4 day of September, 2026.



Steven Hippler
District Judge

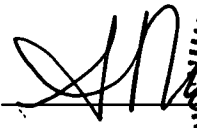
CERTIFICATE OF SERVICE

I hereby certify that on 09/01/2026, I mailed (served) a true and correct copy of the ORDER GRANTING LEAVE TO EXCEED PAGE LIMIT to:

LATAH COUNTY PROSECUTOR'S OFFICE VIA EMAIL: paservice@latahcountyid.gov	☐ U.S. Mail, Postage Prepaid ☐ Interdepartmental Mail ☒ Electronic Mail ☐ Facsimile
Greg Rauch VIA EMAIL: nppd@mrlegal.com	☐ U.S. Mail, Postage Prepaid ☐ Interdepartmental Mail ☒ Electronic Mail ☐ Facsimile

TRENT TRIPPLE

Clerk of the District Court

By: 
Deputy Clerk

