

EXHIBIT 1

**Declaration of
C. Wayne Howle in
Support of Plaintiff's
Unopposed Motion to
Exceed Page Limits**

EXHIBIT 1

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21 **IN THE UNITED STATES DISTRICT COURT**
22 **FOR THE DISTRICT OF NEVADA**

23 STATE OF NEVADA,
24 Plaintiff,
25 vs.
26 UNITED STATES; *et al.*,
27 Defendants.
28

Case No. 3:18-cv-00569-MMD-CBC

**DECLARATION OF
C. WAYNE HOWLE IN SUPPORT
OF PLAINTIFF'S UNOPPOSED
MOTION TO EXCEED
PAGE LIMITS**

1 I, C. WAYNE HOWLE, hereby state that the assertions of this declaration are true:

2 1. I am the primary attorney assigned by the Plaintiff, State of Nevada, in this
3 matter.

4 2. As part of my duties, I am preparing the Plaintiff's Reply in Support of its
5 Motion for Preliminary Injunction (ECF No. 2) ("Reply").

6 3. I have reviewed the Court's Local Rules, and I am familiar with the page
7 limits provided in LR 7-3, as well as the Court's caution that motions to exceed page
8 limits are looked upon with disfavor.

9 4. In light of this caution, I have attempted to keep the Plaintiff's Reply with
10 the 24-page limit provided in LR 7-3.

11 5. Nevertheless, I am requesting that the page limit be enlarged to 29 pages to
12 allow the Plaintiff to fully explain its position in its Reply based on the following reasons.

13 6. This matter involves Plaintiff's request for this Court to enjoin the
14 Department of Energy's ("DOE") proposed shipment of plutonium to Nevada due to DOE's
15 failure to comply with the requirements of the National Environmental Policy Act
16 ("NEPA").

17 7. In Defendants' Response, DOE cited to numerous lengthy portions of
18 previous environmental impact statements and other NEPA documents. To effectively
19 respond to these documents, Plaintiff will need to examine each of those documents in its
20 Reply.

21 8. Further, Plaintiff did not oppose Defendants' Motion to Exceed Page Limits
22 for their Response to Plaintiff's Motion for Preliminary Injunction. This resulted in
23 Defendants' filing a Response that exceeded 29 pages. Plaintiff's Reply must respond to
24 the many arguments contained within Defendants' 29-page brief.

25 9. Further, Defendants' Response contains a number of factual differences that
26 Plaintiff will be required to clarify in its Reply.

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