

IN THE UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT

LAURA LYNN HAMMETT, an )  
individual, )  
 )  
Plaintiff-Appellant, )  
 )  
vs. )  
 ) Case No.: 23-2638, -3093, -3432  
PORTFOLIO RECOVERY )  
ASSOCIATES, LLC, a Limited )  
Liability Company; DOES 1-99 )  
 )  
Defendant-Appellees )  
 )  
 )  
\_\_\_\_\_ )

APPELLANT’S MOTION FOR SANCTIONS AGAINST PRA FOR FILING AN  
OVERLENGTH BRIEF

1. I, Appellant in pro se Laura Lynn Hammett, move the Court to sanction Portfolio Recovery Associates, LLC for filing an overlength brief on January 30, 2024. (Entry ID: 5358017, “Overlength Brief”)
2. Eighth Circuit Rules of Appellate Procedure 28A(j) specifies that references to the district court docket must be made in the form: “R. Doc. 12, at 3.”
3. PRA made references to the district court docket: “R.Doc.## at #”, shortening the word count by two words for each citation.
4. A control-F search of the Overlength Brief yields 171 instances, adding 342 words to the count.
5. Pro Se Appellant Hammett lamented the challenge of remaining under the word count while making robust five-word citations to the record, in her motion for leave to file an overlength brief. (Entry ID: 533684, 11/17/2023, ¶ 4)
6. Hammett’s motion was denied, with no correction of her interpretation of 28A(j). (Entry ID: 5337015, 11/20/2023)
7. PRA referred to the Appellant’s Brief forty-five times by writing “Br.##”, omitting the space customarily placed between words and numbers.
8. Hammett looked at the first three 8<sup>th</sup> Circuit appellee briefs or reply briefs that came up by searching for “Eighth Circuit Appellee’s Brief” on www.Dogpile.com. None showed the word “Brief” or abbreviation “Br.” and page number run together without a space.

(<https://cccct.law.columbia.edu/sites/default/files/content/2021.01.27%20Brief%20with%20Appellate%20Footer.pdf>, <https://www.macarthurjustice.org/wp-content/uploads/2022/03/Appellees-BRIEF.pdf>, and <https://ij.org/wp-content/uploads/2021/11/Glover-Appellant-Reply-Brief.pdf>.)

9. The Legal Bluebook specifies “abbreviations in reporter names may optionally be closed to conserve space”, which PRA did, but no grace was extended to any other category. (Bluepages – B6)<sup>1</sup>

10. PRA, operating under the maxim “it is better to ask forgiveness than permission”, shortened its word count by failing to format citations properly.

11. Using proper style, the word count is 13,226. The maximum allowed by Rule 32(a)(7)(B)(i) is 13,000. PRA claimed it used 12,887, rendering the certification pursuant to FRAP 32(g)(1) false.

12. Hammett asks that the Court strike the Appellee Portfolio Recovery Associates, LLC’s Overlength Brief.

13. Alternatively, Hammett asks the Court to allow Hammett to amend her opening brief to add 448 words, the number of words gained if Hammett ran together “R.Doc.##”; allow PRA to amend its brief to comport with Hammett’s

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<sup>1</sup> Ironically, Hammett found this citation with a free one-day trial subscription to Bluebook Online and found no indication of how to cite the traditional paper copy. Apologizes are extended.

amended brief and comply with the 13,000 word limit using proper style; and reschedule Hammett's reply brief accordingly.

14. Alternatively, any relief the Court finds just.

Respectfully submitted,

February 24, 2024

/s/Laura Lynn Hammett

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## CERTIFICATION OF WORD COUNT PURSUANT TO FRAP 32(G)

I, Appellant in pro se Laura Lynn Hammett Certify that the Motion for Sanctions Against PRA for Filing an Overlength Brief filed February 24, 2024 is 631 words including the certificate of service and title page, which is in compliance with the 5,200 word limit in Rule 28.

February 24, 2024

/s/ Laura Lynn Hammett

## CERTIFICATE OF SERVICE

I hereby certify that on February 24, 2024, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

/s/Laura Lynn Hammett

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