

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

<p>NATURES WAY MARINE, LLC,</p> <p style="padding-left: 40px;">Plaintiff,</p> <p>v.</p> <p>EVERCLEAR OF OHIO, LTD., and NIRK MAGNATE HOLDING CORP.,</p> <p style="padding-left: 40px;">Defendants.</p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Civil Action No. 1:12-cv-316-CG-M</p>
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ORDER

This matter is before the Court on two motions for leave to file a reply.

Natures Way Marine, LLC (“Natures Way” or “Plaintiff”) twice moved the Court to file a reply in support of its motion for prejudgment interest, attorneys’ fees, and expenses. (Docs. 214, 216). Natures Way filed its first motion for leave to file a reply on December 29, 2014. (Doc. 214). The first motion contained legal arguments and affidavits in support of the initial motion for prejudgment interest, attorneys’ fees, and expenses. (Doc. 214). The Court granted the motion and accepted the reply, and set forth a time for Everclear of Ohio, Ltd. (“Everclear”), and Nirk Magnate Holding Corp. (“Nirk”) (collectively, “Defendants”) to respond to it. (Doc. 215). On December 30, 2014, Natures Way again moved the Court to file a reply in support of its motion, claiming Defendants did not oppose it. (Doc. 216, p. 1). Defendants promptly responded and opposed the motion, arguing the second motion is either

moot or due to be denied because Natures Way had already filed, and the Court had already granted, the first motion and reply. (Doc. 219). After receiving the second motion for leave to file a reply from Natures Way and Defendants' response in opposition, the Court rescinded its order granting the first motion. (Doc. 218). The Court then advised the parties it would rule simultaneously on the two motions for leave to file a reply. (Doc. 214, 216). After careful consideration and for the reasons stated below, the first motion for leave to file a reply (Doc. 214) is **GRANTED**, and the second motion for leave to file a reply is (Doc. 216) is **DENIED**.

The first motion for leave to file a reply contains Natures Way's substantive legal arguments in support of its position, explanations of individual time entries, and affidavits attached as exhibits. (Doc. 214, Exhs. 1 – 2). In contrast, the second motion for leave to file a reply is little more than one page long. (Doc. 216). The second motion for leave to file a reply does not explain why the Court should grant Natures Way's second request, apart from saying Defendants do not oppose it. (Doc. 216). Natures Way does not, for example, argue that it needs an extension for good cause, or state that it made a fundamental error or omission in its first motion. Natures Way simply "requests that it be allowed five (5) days from the entry of the Order sustaining the subject motion within which to file its Reply." (Doc. 216, p. 2). Defendants, in fact, oppose the second motion; further weakening Natures Way's tremulous position. (Doc. 219).

After reviewing the relevant motions and response, the Court finds no reason to allow Natures Way leave to file a second or revised reply. Without any

information beyond the barebones filing requirements contained in the second motion, the Court is not persuaded that the second motion for leave to file a reply is necessary. Accordingly, Natures Way's first motion for leave to file a reply in support of its motion for prejudgment interest, attorneys' fees and expenses is **GRANTED** (Doc. 214), and the second motion for leave to file a reply in support of its motion for prejudgment interest, attorneys fees' and expenses is **DENIED**. (Doc. 216). Defendants may file a response to the reply no later than **January 13, 2015**.

The Court will take the motion under submission on **January 14, 2015**. Once the motion is taken under submission no further responses or replies related to the motion for attorneys' fees may be filed unless the proponent obtains leave of court for good cause shown.

DONE and **ORDERED** this the 6th day of January, 2015.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE