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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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9 Associated Indemnity Corporation, a)	No. CV09-0038 PHX DGC
10 corporation,)	
11 Plaintiff,)	ORDER
12 vs.)	
13 Hartford Casualty Insurance Company, a)	
corporation,)	
14 Defendant.)	
15)	

16 Plaintiff Associated Indemnity Corporation has moved to strike Defendant Hartford
17 Casualty Insurance Company’s reply brief. Dkt. #43. The Court will deny the motion.

18 Plaintiff’s motion is based on two grounds: (1) Defendant’s reply was untimely, and
19 (2) Defendant’s reply is actually an unauthorized surreply. Dkt. #43 at 1.

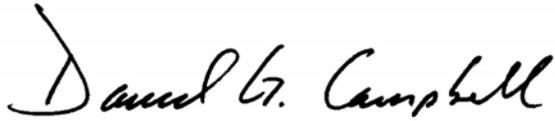
20 Plaintiff asserts that Defendant’s reply was due on or before September 22, 2009, but
21 that Defendant filed its reply two days late. *Id.* at 2. Plaintiff has not shown, and the Court
22 does not otherwise find, that Plaintiff has been unduly prejudiced by the two-day delay.
23 Moreover, Plaintiff has cited no rule that would require the reply to be stricken from the
24 record, as is required by Local Rule 7.2(m).

25 Plaintiff also asserts that Defendant’s reply should be stricken because it is an
26 unauthorized surreply. Plaintiff asserts that the reply addresses arguments raised in
27 Plaintiff’s reply to another motion rather than countering arguments in Plaintiff’s response.
28 Again, Plaintiff has cited no rule that would require the reply to be stricken from the record.

1 See Local Rule 7.2(m). The Court will determine what weight to give Defendant's reply
2 when it considers the underlying motion for summary judgment. If the Court determines
3 further briefing is required of Plaintiff, the Court will request it.

4 **IT IS ORDERED** that Plaintiff's motion to strike (Dkt. #43) is **denied**.

5 DATED this 7th day of October, 2009.

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10 David G. Campbell
11 United States District Judge
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