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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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ITEQ Corporation,

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No. 09-CV-1318-PHX-PGR

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Plaintiff,

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vs.

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Isola USA Corporation,

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ORDER

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Defendant.

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Currently before the Court is Plaintiff ITEQ’s Motion to File a Surreply (Doc. 27) in response to Defendant Isola’s Reply brief. ITEQ maintains that Isola raised a new argument in its Reply brief regarding the interpretation of the phrase “third party” as it is referenced in Paragraph 5 of the parties’ Settlement Agreement. ITEQ contends that in Isola’s Reply brief, Isola interprets “third party” to mean “third party *arbitrator*.” ITEQ maintains that this interpretation deviates from what the parties previously agreed the understanding of the phrase to mean, “third party *laboratory*.” Accordingly,

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IT IS HEREBY ORDERED GRANTING Plaintiff’s Motion to File a Surreply in response to Defendant Isola’s argument in its Reply brief as it pertains to the term “third party arbitrator.” (Doc. 27.)

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IT IS FURTHER ORDERED that the Clerk of Court shall file the Lodged Proposed Surreply. (Doc. 28.)


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DATED this 28th day of September, 2009.

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Paul G. Rosenblatt
United States District Judge