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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Kevin W Glass,

10 Plaintiff,

11 v.

12 AsicNorth Incorporated,

13 Defendant.
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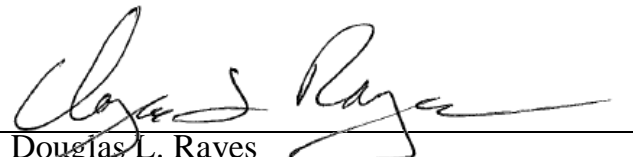
No. CV-18-00898-PHX-DLR

ORDER

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16 Before the Court is Plaintiff's motion to strike the declaration of John Condrey.
17 (Docs. 51, 52.) The Court will not consider new evidence presented in a reply to a motion
18 for summary judgment without giving the non-movant the opportunity to respond. *Provenz*
19 *v. Miller*, 102 F. 3d 1478, 1483 (9th Cir. 1996).

20 **IT IS ORDERED** that Plaintiff's motion to strike (Doc. 51) is **DENIED**. Plaintiff
21 may file a surreply addressing the new evidence presented in John Condrey's affidavit no
22 later than November 4, 2019.

23 Dated this 22nd day of October, 2019.

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26 Douglas L. Rayes
27 United States District Judge
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