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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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BNSF Railway Co.,) No. 07-8068-PCT-PGR

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Plaintiff,

vs.

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Coconino Land and Cattle LLC

ORDER

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Defendant.

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Before the Court is Coconino’s Motion for Leave to File Surreplies to BNSF’s Objections and Evidentiary Arguments. (Doc. 237.)

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In a prior order the Court denied Coconino’s motions to strike BNSF’s objections and its motions for leave to file separate replies, and ruled that if Coconino wished to file a surreply, it “must file a motion for leave demonstrating a proper basis for such a filing.” (Doc. 236.) Coconino cites several paragraphs in BNSF’s objections which it characterizes as containing legal analysis of evidentiary issues and new factual allegations to which it has not had an opportunity to respond. (Doc. 237 at 3.) Having reviewed those paragraphs the Court concludes that Coconino has not shown a “proper basis” for filing surreplies. As the Court previously noted, the information set forth in BNSF’s objections consists primarily of evidentiary objections and rebuttal arguments. Neither these legal arguments nor the supporting factual information necessitates an additional filing by Coconino.

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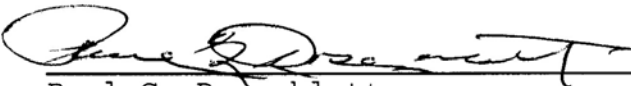
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Accordingly,

IT IS HEREBY ORDERED that Coconino's Motion for Leave to File Surreplies
(Doc. 237) is denied.

DATED this 16th day of February, 2011.



Paul G. Rosenblatt
United States District Judge