

1 **WO**

2

3

4

5

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

6

7

8

R. Prasad Industries,
Plaintiff,

No. CV-12-08261-PCT-JAT

9

ORDER

10

v.

11

Flat Irons Environmental Solutions
Corporation, et al.,

12

13

Defendants.

14

15

On March 26, 2014, Plaintiff R. Prasad Industries moved for partial summary judgment. (Doc. 103). Defendants filed its opposition to the motion on April 28, 2014, objecting to a number of documents Plaintiff submitted in support of its Motion. (Doc. 109). Plaintiff filed its reply on May 15, 2014, along with a supplemental statement of facts and additional evidence to rebut the arguments Defendants made in their opposition. (Doc. 112). Because it would be unfair to consider evidence presented in Plaintiff's reply without giving Defendants an opportunity to respond, *see Provenz v. Miller*, 102 F.3d 1478, 1483 (9th Cir. 1996), the Court will allow Defendants to file a sur-reply to Plaintiff's motion for partial summary judgment. The sur-reply must address **only** the new evidence and arguments offered by Plaintiff in its reply.

16

17

18

19

20

21

22

23

24

25

Accordingly,


26 \

27 \

28 \

1 **IT IS ORDERED** that Defendants shall file a sur-reply to Plaintiff's motion for
2 partial summary judgment by November 14, 2014, addressing **only** the new evidence and
3 arguments offered by Plaintiff in its reply to its motion for partial summary judgment.

4 Dated this 10th day of November, 2014.

5
6
7
8 
9 James A. Teilborg
10 Senior United States District Judge
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28