

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

KARLA L. COSSEY and)	4:02CV661 WKU
WILLIAM COSSEY,)	
)	
Plaintiffs,)	
)	MEMORANDUM AND ORDER
vs.)	ON PENDING MOTIONS
)	
ASSOCIATES' HEALTH AND WELFARE))	
PLAN; and ADMINISTRATIVE)	
COMMITTEE, ASSOCIATES' HEALTH)	
AND WELFARE PLAN,)	
)	
Defendants.)	

Now before me are “Plaintiffs’ Motion for Leave to File Sur-reply to Defendants’ Reply in Support of Motion for Summary Judgment,” filing 254; “Plaintiffs’ Motion for Discovery,” filing 255; “Plaintiffs’ Motion for Leave to File Supplemental Statement of Facts in Support of Motion for Summary Judgment on Remaining Issues,” filing 257; and “Defendants’ Unopposed Motion to Enlarge Time to File Response to Plaintiffs’ Motion for Discovery, Motion for Leave to File Sur-reply and Motion for Leave to File Supplemental Statement of Facts,” filing 258.

In support of their motion for leave to file a sur-reply brief, the plaintiffs submit that they ought to be given an opportunity to address the new evidence filed by the defendants in support of their motion for summary judgment. (See filing 254 at 1; see also filing 252 & Attach. 1.) I agree; the plaintiffs’ motion for leave to file a sur-reply will be granted, and the defendants’ motion for additional time to file a response to the plaintiff’s motion will be denied. The plaintiffs have submitted a copy of their sur-reply brief along with their motion for leave, and I will consider this brief as I analyze the parties’ motions for summary judgment.

The plaintiffs’ motions for discovery and for leave to file a supplemental statement of facts will be denied. Quite simply, the need for additional facts and discovery is not apparent to me at this time. The defendants’ motion for additional time to respond to these motions will be denied as moot.

IT IS ORDERED that:

1. The Plaintiffs' Motion for Leave to File Sur-reply to Defendants' Reply in Support of Motion for Summary Judgment, filing 254, is granted;
2. The Plaintiffs' Motion for Discovery, filing 255, is denied;
3. The Plaintiffs' Motion for Leave to File Supplemental Statement of Facts in Support of Motion for Summary Judgment on Remaining Issues, filing 257, is denied; and
4. The Defendants' Unopposed Motion to Enlarge Time to File Response to Plaintiffs' Motion for Discovery, Motion for Leave to File Sur-reply and Motion for Leave to File Supplemental Statement of Facts, filing 258, is denied.

Dated September 16, 2008.

BY THE COURT

s/ Warren K. Urbom
United States Senior District Judge