

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
CENTRAL DIVISION

BRIAN WHITLEY, Individually and  
on Behalf of All Others Similarly Situated

PLAINTIFF

v.

No. 4:16-cv-624-DPM

BAPTIST HEALTH; BAPTIST HEALTH  
HOSPITALS; DIAMOND RISK  
INSURANCE LLC; CONTINENTAL  
CASUALTY COMPANY; ADMIRAL  
INSURANCE COMPANY; ADMIRAL  
INDEMNITY COMPANY; IRONSHORE  
INDEMNITY, INC.; and IRONSHORE  
SPECIALTY INSURANCE CO.

DEFENDANTS

ORDER

In general, sur-replies are disfavored because the moving party is entitled to the last word. The Court allows one on *Doc. 155* for three reasons: the new material offered on reply; the Court's need for full information on the important audit-related issues; and Whitley's opportunity to be heard again on these points at the upcoming hearing. Unopposed motion, *Doc. 173*, granted. Sur-reply, *Doc. 173-1*, deemed filed.

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

27 April 2020