

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

VANESSA GRIFFIN, ET AL.

PLAINTIFFS

V.

4:14-cv-4065

TONY ALAMO a/k/a BERNIE L. HOFFMAN, ET AL.

DEFENDANTS

ORDER

Before the Court is Separate Defendants' Motion to Strike Plaintiffs' Sur-reply. (ECF No. 188).¹ Plaintiffs have responded to the motion. (ECF No. 195). The Court finds this matter ripe for consideration.

On January 29, 2016, Separate Defendants filed their Motion for Partial Summary Judgment. (ECF No. 150). On April 1, 2016, Plaintiffs filed a response to the Motion for Partial Summary Judgment. (ECF No. 176). On April 8, 2016, Separate Defendants filed their reply. (ECF No. 182). Eleven days after the reply, and without permission from the Court, Plaintiffs filed a sur-reply. (ECF No. 186). Separate Defendants request that the sur-reply be stricken because Plaintiffs did not have permission to file a sur-reply and the sur-reply raises new arguments that Separate Defendants have not had the opportunity to address. In the alternative, Separate Defendants request that they be permitted to file a response to the sur-reply.

Upon consideration, the Court finds that the Motion to Strike should be and hereby is **DENIED**. However, in the future, all parties must request leave before filing a reply that is not

¹ Separate Defendants are Advantage Food Group, Advantage Sales, LLC, Ron Decker, Donn Wolf, Steve Lovellette, and Jeanne Estate Apartments, Inc. The motion has been joined by Separate Defendants Action Distributors, Inc., Sally Demoulin, Steven Johnson, Angela Morales, Rite Way Roofing, Inc., Tommy Scarcello, and Sandford White. (ECF No. 190).

specifically provided for by the Federal Rules of Civil Procedure or the Local Rules. This would include sur-replies and replies to any motions other than motions for summary judgment.

The Court will permit Separate Defendants to file a response to Plaintiffs' sur-reply. This response is due on or before **June 2, 2016**. After this response, no further briefing on the Motion for Partial Summary Judgment will be considered.

IT IS SO ORDERED, this 19th day of May, 2016.

/s/ Susan O. Hickey
Susan O. Hickey
United States District Judge