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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

LAURA SIEGEL LARSON, individually  
and as personal representative of the  
ESTATE OF JOANNE SIEGEL,

Plaintiff,

v.

WARNER BROS. ENTERTAINMENT  
INC., DC COMICS, and DOES 1-10,

Defendants.

**Case No. 2:04-cv-08776-ODW(RZx)**  
**Case No. 2:04-cv-08400-ODW(RZx)**

**ORDER GRANTING PLAINTIFFS  
LEAVE TO FILE A SUR-REPLY**

LAURA SIEGEL LARSON, individually  
and as personal representative of the  
ESTATE OF JOANNE SIEGEL,

Plaintiffs,

v.

TIME WARNER INC., WARNER  
COMMUNICATIONS INC., WARNER  
BROS. ENTERTAINMENT INC.,  
WARNER BROS. TELEVISION  
PRODUCTION INC., DC COMICS, and  
DOES 1-10,

Defendants.

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2 The Court has received Defendants' Reply in support of their February 7  
3 Motion for Summary Judgment. While the Reply technically and formalistically  
4 complies with the Local Rules' formatting and length guidelines, the Court notes that  
5 DC has buried the equivalent of at least three full pages of argument into footnotes.  
6 This is an improper proper use of footnotes,<sup>1</sup> and the Court does not condone such a  
7 blatant attempt to subvert the Local Rules' page-length dictates. Plaintiff is therefore  
8 granted leave to file a sur-reply no longer than 5 pages in length to respond to any  
9 arguments addressed in Defendants' Reply. Should she choose to file a sur-reply,  
10 Plaintiff must do so no later than Monday, March 18, 2013.

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12 **IT IS SO ORDERED.**

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14 March 12, 2013

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17 **OTIS D. WRIGHT, II**  
18 **UNITED STATES DISTRICT JUDGE**

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<sup>1</sup> *E.g., First Advantage Servs. Corp. v. Private Eyes, Inc.*, 569 F. Supp. 2d 929, 935 n.1 (N.D. Cal.  
27 2008) ("A footnote is the wrong place for substantive arguments on the merits of a motion . . . . The  
28 Court can only assume that the parties placed the arguments in question in footnotes because they  
lacked space in the main text of their briefs. . . . The use of footnotes to circumvent [the Local Rules'  
page-length and formatting] rules is improper.").