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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GERAWAN FARMING, INC.,

Plaintiff,

v.

REHRIG PACIFIC COMPANY,

Defendant.

Case No. 1:11-cv-1273 LJO BAM

ORDER RE: PLAINTIFF’S REQUEST TO
FILE A SUR-REPLY

(Doc. 224)

On July 26, 2013, Plaintiff Gerawan Farming, Inc. (“Gerawan”) filed a request to submit a sur-reply in the event that the Court considers arguments raised for the first time by Defendant Rehrig Pacific Company (“Rehrig”) in its reply.¹ Specifically, Gerawan takes issue with Rehrig’s argument that Gerawan’s decision to wait until 2011 to file its complaint and initiate this action is evidence of bad faith. (See Doc. 222 at 3:5-14.)

The Court will not consider arguments raised for the first time in a reply brief. See Zamani v. Carnes, 491 F.3d 990, 997 (9th Cir. 2007) (“[A] district court need not consider argument raised for the first time in a reply brief.”) (citation omitted). Therefore, it is not necessary for Gerawan to file a sur-reply and its request to do so is DENIED as moot.

IT IS SO ORDERED.

Dated: July 30, 2013

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE

¹ Pending before the Court is Rehrig’s motion for attorney fees and costs.

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