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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

G.P.P., INC. d/b/a GUARDIAN  
INNOVATIVE SOLUTIONS,

Plaintiff,

v.

GUARDIAN PROTECTION PRODUCTS,  
INC., RPM WOOD FINISHES GROUP,  
INC.,

Defendants.

Case No. 1:15-cv-00321-SKO

**ORDER STRIKING A PORTION OF  
PLAINTIFF'S BRIEF IN RESPONSE TO  
THE COURT'S ORDER**

**(Doc. 191)**

GUARDIAN PROTECTION PRODUCTS,  
INC.,

Counterclaimant,

v.

G.P.P., INC. d/b/a GUARDIAN  
INNOVATIVE SOLUTIONS,

Counter-defendant.

1 On May 1, 2017, the Court entered an order directing the parties to “file a brief no longer  
2 than two pages in length, in which the parties state the *precise* location in the docket of this case of  
3 each purported “Addend[a]” that the Court should consider for purposes of addressing  
4 Defendants’ Motion for Summary Judgment” (the “Order”). (Doc. 189.) Plaintiff filed its  
5 response to the Order on May 3, 2017 (“Plaintiff’s Brief”). (Doc. 191.) The first two paragraphs  
6 of Plaintiff’s Brief are responsive to the Court’s Order. (*See id.* at 2.) The remainder of Plaintiff’s  
7 Brief is not responsive to the Order and, instead, includes additional arguments following the  
8 completion of the briefing regarding Defendants’ Successive Motion for Partial Summary  
9 Judgment. (*See id.* at 2–3.) In other words, the remainder of Plaintiff’s Brief is a sur-reply. *See,*  
10 *e.g., Thomas v. Wilkinson*, 1:15-cv-00527-LJO-GSA-PC, 2017 WL 262062, at \*1 (E.D. Cal. Jan.  
11 18, 2017) (“A surreply, or sur-reply, is an additional reply to a motion filed after the motion has  
12 already been fully briefed.” (citation omitted)). However, the Court has not granted leave to  
13 Plaintiff to file a sur-reply relating to Defendants’ Successive Motion for Partial Summary  
14 Judgment.

15 As the infringing portion of Plaintiff’s Brief is not responsive to the Court’s Order and  
16 Plaintiff failed to seek leave to file a sur-reply, the Court STRIKES all but the first two paragraphs  
17 of Plaintiff’s Brief. (Doc. 191 at 2–3.) The Court shall not consider these infringing portions of  
18 Plaintiff’s Brief when addressing Defendants’ Successive Motion for Partial Summary Judgment.  
19 (Doc. 184.)

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21 IT IS SO ORDERED.

22 Dated: May 3, 2017

*/s/ Sheila K. Oberto*  
UNITED STATES MAGISTRATE JUDGE

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