

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMMA C., et al.,
Plaintiffs,

v.

DELAINE EASTIN, et al.,
Defendants.


Case No. 96-cv-04179-TEH

**ORDER DENYING PLAINTIFFS'
MOTION FOR LEAVE TO FILE
SURREPLY**

Plaintiffs' request leave to file a surreply in support of their opposition to State Defendants' motion to set aside the Court Monitor's Draft Corrective Action Plan. (Docket No. 2075). "The standard for granting leave to file a surreply is whether the party making the motion would be unable to contest matters presented to the court for the first time in the opposing party's reply." *Lewis v. Rumsfeld*, 154 F. Supp. 2d 56, 61 (D. D.C. 2001). Plaintiffs contend that State Defendants' citation of a new case in the Reply is adequate grounds for the filing of a surreply. This Court disagrees. The new case cited in State Defendants' Reply merely offers additional support for an argument appropriately raised in the underlying motion - an argument that was addressed by Plaintiffs in the Opposition. Allowing non-moving parties to file a surreply every time a reply includes additional case support would effectively institute a four-part briefing schedule. Seeing no "matters presented to the court for the first time in the opposing party's reply," *Lewis*, 154 F. Supp. 2d at 61, Plaintiffs' request for leave to file a surreply is hereby DENIED.

IT IS SO ORDERED.

Dated: 07/31/15


THELTON E. HENDERSON
United States District Judge