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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAANDRE FLEURY, *et al.*,

No. C-05-4525 EMC

Plaintiffs,

v.

RICHEMONT NORTH AMERICA, INC.,

**ORDER RE SUR-REPLY FOR
SETTLING PLAINTIFFS' MOTION
FOR APPEAL BOND**

Defendant.

(Docket No. 296)

Settling Plaintiffs have moved the Court for an order imposing an appeal bond objector Mary Meyer. *See* Docket No. 296. In their reply brief, Settling Plaintiffs challenge for the first time Ms. Meyer's standing to pursue the appeal. Because this issue was not raised in Settling Plaintiffs' moving papers, the Court shall give Ms. Meyer an opportunity to file a sur-reply, no longer than five pages, to address the limited issue of whether or not she has standing. *See, e.g., In re First Capital Holdings Corp. Fin. Prods. Secs. Litig.*, 33 F.3d 29 (9th Cir. 1994), *Livingston v. Toyota Motor Sales USA, Inc.*, Nos. C-94-1377-MHP, C-94-1359 MHP, C-94-1960 MHP, 1997 U.S. Dist. LEXIS 24087 (N.D. Cal. Nov. 12, 1997).

The sur-reply must be filed by September 17, 2008.

IT IS SO ORDERED.

Dated: September 12, 2008



EDWARD M. CHEN
United States Magistrate Judge