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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DANIEL GRACE, *et al.*,  
Plaintiffs,

No. C 16-05165 WHA

v.

ALASKA AIR GROUP, INC., *et al.*,  
Defendant.


**ORDER REQUESTING  
SURREPLY AND  
CONTINUING HEARING**

Defendants object to reply evidence submitted in support of plaintiffs’ motion for a preliminary injunction of the merger of two airlines. Among the objectionable reply declarations is a report from plaintiffs’ expert providing, for the first time, sworn support for plaintiffs’ HHI calculations, even though the analysis had been solicited and completed before the filing of the complaint and without identifying the expert in Rule 26 disclosures. Defendants seek to strike the untimely and undisclosed reply evidence.

Rather than strike the untimely evidence, defendants may file a surreply by **OCTOBER 12 AT NOON**. The surreply and any supporting declarations shall be limited to direct rebuttal of the evidence raised for the first time in plaintiffs’ reply declarations. Any extraneous material *will not be considered*. The hearing on the motion for a preliminary injunction is hereby **CONTINUED to WEDNESDAY, OCTOBER 19 AT 8:00 A.M.**

**IT IS SO ORDERED.**

Dated: October 6, 2016.

  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE