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13 and Berkeley College Republicans

14 **UNITED STATES DISTRICT COURT**

15 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

16 **YOUNG AMERICA'S FOUNDATION**, a
17 Tennessee nonprofit corporation; and **BERKELEY**
18 **COLLEGE REPUBLICANS**, a student
19 organization at the University of California, Berkeley,

20 Plaintiffs,

21 v.

22 **JANET NAPOLITANO**, in her official capacity as
23 President of the UC; **NICHOLAS B. DIRKS**,
24 individually and in his official capacity as Chancellor
25 of UC, Berkeley; **STEPHEN C. SUTTON**,
26 individually and in his official capacity as Interim
27 Vice Chancellor of the Student Affairs Division of
28 UC, Berkeley; **JOSEPH D. GREENWELL**,
individually and in his official capacity as Associate
Vice Chancellor and Dean of Students of UC,
Berkeley; **MARGO BENNETT**, in her official
capacity as Chief of Police of UC Police Department,
at Berkeley; **ALEX YAO**, individually and in his
official capacity as Operations Division Captain of
UC Police Department, at Berkeley; and **LEROY M.**
HARRIS, individually and in his official capacity as
Patrol Lieutenant of UC Police Department, at
Berkeley,

Defendants.

Case Number: 3:17-cv-02255-MMC

Honorable Maxine M. Chesney

**~~PROPOSED~~ ORDER GRANTING
LEAVE TO FILE SUR-REPLY TO
MOTION TO DISMISS ~~OR~~
ALTERNATIVELY STRIKING
REPLY EVIDENCE**

Date: September 29, 2017

Time: 9:00 a.m.

Courtroom: 7, 19th Floor

1 Plaintiffs Young America’s Foundation (“YAF”) and Berkeley College Republicans
2 (“BCR”) (collectively, “Plaintiffs”) filed this action against University of California, Berkeley
3 (the “University”) officials, Defendants Janet Napolitano, Nicholas B. Dirks, Stephen C. Sutton,
4 Joseph D. Greenwell, Margo Bennett, Alex Yao, Leroy M. Harris (collectively, “Defendants”)
5 asserting four causes of action for violations under the First and Fourteenth Amendments to the
6 U.S. Constitution. On June 28, 2017, Defendants filed a Motion to Dismiss (Dkt. 13). Plaintiffs
7 filed an opposition (Dkt. 19), and Defendants filed a Reply (Dkt. 20). Before the Court is
8 Plaintiffs’ Administrative Motion For Leave To File Sur-Reply to Motion to Dismiss Or
9 Alternatively To Strike Reply Evidence (the “Administrative Motion”).

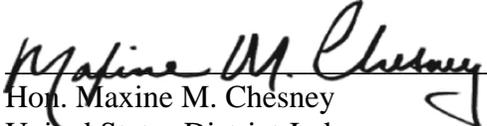
10 Having read and considered the Administrative Motion, all papers submitted by the
11 parties in support or opposition thereof, and exhibits attached thereto, and good cause being
12 shown therefor:

13 The Court GRANTS Plaintiffs’ Administrative Motion and orders Plaintiffs to file the
14 sur-reply in the form attached to the Administrative Motion, by no later than September 11, 2017.

15 ~~[ALTERNATIVELY] The Court GRANTS Plaintiffs’ Administrative Motion and~~
16 ~~strikes all evidence and new argument submitted by Defendants on Reply.~~

17
18 **IT IS SO ORDERED.**

19
20 Dated: September 6, 2017


21 Hon. Maxine M. Chesney
22 United States District Judge