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United States District Court  
Northern District of California

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VICTOR PALACIOS,  
Plaintiff,  
v.  
AMERIWOOD INDUSTRIES, INC.,  
Defendant.

Case No. 14-cv-04066-KAW

**ORDER REQUIRING PLAINTIFF TO  
FILE SUR-REPLY & PERMITTING  
DEFENDANT TO FILE RESPONSE**

Re: Dkt. No. 55

On February 22, 2016, Defendant Ameriwood Industries, Inc. filed a motion to exclude the testimony of Brad Wong, whose expert opinions Plaintiff Victor Palacios will seek to introduce at trial. Plaintiff filed an opposition to the motion on March 7, 2016, along with a new expert opinion dated March 6, 2016. In its reply, Defendant argues that the new opinion is untimely and that it, like the initial opinion, fails to pass muster under Daubert v. Merrell Dow Pharms., Inc., 509 U.S. 579 (1993). As Plaintiff does not address the timeliness of the March 6, 2016 opinion or the admissibility of the initial opinion dated December 6, 2015, Plaintiff shall file a sur-reply of no more than 5 pages addressing both of these issues by no later than March 22, 2016.<sup>1</sup> Defendant may file a response to Plaintiff's sur-reply by no later than March 25, 2016.

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<sup>1</sup> If Plaintiff intends to rely solely on Mr. Wong's March 6, 2016 opinion, he shall specify that in his sur-reply.

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Furthermore, as of the filing of this order, Plaintiff has not lodged a courtesy copy of his opposition papers, and Defendant has not lodged a courtesy copy of its reply. The parties shall promptly provide courtesy copies of these filings and any future filings in this case. Civil L.R. 5-1(e)(7).

IT IS SO ORDERED.

Dated: 03/18/2016

  
KANDIS A. WESTMORE  
United States Magistrate Judge