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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

LEO WELTMAN, on behalf of himself,  
and on behalf of all persons similarly  
situated,

Plaintiffs,

vs.

ORTHO MATTRESS, INC.,

Defendants.


Case No.: 08 cv 0840 JM (WMc)

**ORDER GRANTING PLAINTIFF'S  
AMENDED *EX PARTE* APPLICATION  
TO FILE A RESPONSE TO  
DEFENDANT'S SUR-REPLY**

For good cause shown, the court grants Plaintiff's un-opposed ex parte application [Doc. No. 54] to file a response to Defendant's sur-reply. Plaintiff shall file and serve his sur-reply, not to exceed five pages, by September 1, 2009.

**IT IS SO ORDERED.**

DATED: August 28, 2009

  
\_\_\_\_\_  
Hon. Jeffrey T. Miller  
United States District Judge

cc. All parties