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

LARRY WILLIAMS,

vs.

SCRIBD, INC., a corporation; et al.,

Plaintiff,

Defendants.

CASE NO. 09cv1836-LAB (WMc)

**ORDER ON *EX-PARTE* MOTION
FOR LEAVE TO FILE RESPONSE
TO PLAINTIFF’S SURREPLY**

Scribd asks the Court for leave to file a response to Plaintiff’s surreply on the ground that the surreply “raises new issues and cites purported law not previously presented to the Court in Plaintiff’s Opposition.” The motion is **DENIED**. As Scribd notes, parties aren’t allowed to raise new issues in reply (or opposition) briefs in the first place, and the Court can usually tell when they are attempting to do so and discount or strike their arguments accordingly. It rarely needs the assistance of an additional brief. Scribd can take further comfort in the fact that merely filing the pending motion has put the Court on notice that Williams’s sur-reply may raise “new issues.”

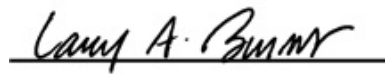
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1 When the Court granted Williams leave to file his seconded amended complaint, it
2 gave Scribd the option to file a new motion to dismiss, which would have guaranteed that
3 Scribd would have the last word on Williams's complaint. Scribd chose, instead, to stick with
4 its original motion to dismiss and note its objections to the second amended complaint in its
5 reply brief, thereby allowing for Williams to have the last word in a sur-reply.

6 The ex-parte motion is therefore **DENIED**.

7 **IT IS SO ORDERED.**

8 DATED: February 26, 2010

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10 **HONORABLE LARRY ALAN BURNS**
11 United States District Judge

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