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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE ILLUMINA, INC. SECURITIES
LITIGATION

Case No.: 3:16-cv-3044-L-MSB

**ORDER GRANTING IN PART AND
DENIES IN PART JOINT MOTION
FOR LEAVE TO FILE A SURREPLY
[ECF No. 87]**

Pending before the Court is the parties’ joint motion for leave to file a surreply [ECF No. 87]. When a party raises new arguments in a reply to an opposition, the court may permit the other party to rebut the new arguments. *See Provenz v. Miller*, 102 F.3d 1478, 1483 (9th Cir. 1996). Here, Plaintiff, for the first time, raises a new legal argument in its reply to which Defendants request leave to file a surreply. The Court finds it prudent to grant Defendants leave to file a surreply of no more than three pages. Although Plaintiff premised its consent to the surreply on the opportunity to respond to the surreply, the Court in its discretion finds no reason why Plaintiff requires further briefing on an issue it raised late in the initial briefing schedule. As such, Plaintiff is not granted leave to file a response to Defendants’ surreply.

1 For the above reasons, the Court **GRANTS IN PART AND DENIES IN PART** the
2 parties' joint motion. Defendants' surreply, currently lodged as ECF No. 87-1, is
3 considered filed.

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5 Dated: January 24, 2019

6 
7 Hon. M. James Lorenz
8 United States District Judge

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