

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 07-cv-02584-REB-BNB

ABEER FARAGALLA

Plaintiff,

v.

DOUGLAS COUNTY SCHOOL DISTRICT RE1 “DCSD,”
CEREBRAL PALSY OF COLORADO “CP,”
DOUGLAS COUNTY EDUCATION FOUNDATION, and
DOUGLAS COUNTY SCHOOL DISTRICT BOARD OF EDUCATION “BOE,”

Defendants.

ORDER

This matter arises on the plaintiff’s **Motion for Leave to Respond to CP’s Reply to Response to Summary Judgment Motion** [Doc. #191, filed 03/02/2009] (the “Motion”). The Motion is DENIED.

Defendant Cerebral Palsy of Colorado, Inc. (“CP”), filed a motion for summary judgment on January 23, 2008 [Doc. #152]. The plaintiff filed a response to the summary judgment motion on February 17, 2008 [Doc. #181], and CP filed a reply in support of their motion on February 27, 2008 [Doc. #189].

The plaintiff seeks leave to file a sur-reply on the basis that the defendant’s reply contains issues which were not raised in the summary judgment motion. I have reviewed the parties’ briefs, and I find that the defendant’s reply does not assert any new legal arguments, nor does it contain any new factual evidence. Accordingly, the plaintiff’s request is denied. See

Vittoria North America, L.L.C. v. Euro-Asia Imports Inc., 278 F.3d 1076, 1086 (10th Cir. 2001)

(upholding the trial court's denial of a request to file a sur-reply).

IT IS ORDERED that the Motion is DENIED.

Dated March 5, 2009.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge