

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-00563-WYD-KMT

BARBARA K. DUBROVIN,

Plaintiff,

v.

THE BALL CORPORATION CONSOLIDATED WELFARE BENEFIT PLAN FOR EMPLOYEES;

THE BALL CORPORATION LONG-TERM DISABILITY COVERAGE PLAN, also known as The Ball Corporation Long-Term Disability Plan for Salaried Employees, also known as The Ball Corporation Long-Term Disability (LTD);

BALL CORPORATION, an Indiana corporation;

THE BALL CORPORATION EMPLOYEE BENEFITS ADMINISTRATION COMMITTEE; and

BALL AEROSPACE & TECHNOLOGIES CORPORATION, a Delaware corporation,

Defendants.

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**MINUTE ORDER**

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ORDER ENTERED BY CHIEF JUDGE WILEY Y. DANIEL

Defendants' Motion to Strike Plaintiff's Reply Brief or, in the alternative, to Allow Defendants to File a Reply (doc. # 122) is **GRANTED IN PART AND DENIED IN PART**. Specifically, I **DENY** the portion of the motion that seeks to strike Plaintiff's Reply Brief (doc. # 121). While I agree that the Scheduling Order did not permit reply briefs without leave of Court, my Order of December 23, 2009, confused the issue by referring the parties to the deadlines in D.C.COLO.LCivR 7.1 for both response and reply briefs. Accordingly, Plaintiff could reasonably have believed that she had been given leave to file a reply.

I also find, however, in the interest of fairness that Defendants should be granted leave to file a reply brief. Accordingly, I **GRANT** the portion of Defendant's motion that seeks leave to file a reply brief. Defendants' reply is due on or before **Thursday, March 18, 2010**.

Dated: March 3, 2010.