

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 10-cv-02103-PAB-KLM

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

Plaintiff,

and

IRAQ ABADE, et al.,

Plaintiffs-Intervenors,

v.

JBS USA, LLC, d/b/a JBS Swift & Company,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff EEOC's Motion to Disregard New Argument in Defendant's Reply [ECF 320] or, Alternatively, for Leave to File Surreply to Defendants' [Second] Motion for Leave to Disclose Additional Rebuttal Expert [ECF 304] [#321]**¹ (the "Motion"). The Motion is opposed but Defendant has not yet filed a Response.² In the Motion, Plaintiff argues that the Court should either (a) disregard Defendant's argument that the supplemental report of Plaintiff's rebuttal expert, Keith Koontz, was not timely disclosed or (b) grant Plaintiff permission to file a surreply addressing that argument. See generally Motion [#321]; see also *Reply in Support of Motion for Leave to Disclose Additional Rebuttal Expert Witness* [#320] at 3 ("If it had been provided on time . . ."), 6 ("untimely delivery of Mr. Koontz's recent 34 page report . . .").

IT IS HEREBY ORDERED that the Motion [#321] is **GRANTED** to the extent it seeks

¹ "[#321]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Order.

² Pursuant to D.C.COLO.LCivR 7.1(d), the Court may rule on a pending motion at any time.

permission to file a surreply.

IT IS FURTHER **ORDERED** that the Clerk of the Court shall accept Plaintiff EEOC's Surreply to Defendant's [Second] Motion for Leave to Disclose Additional Rebuttal Expert [ECF304] [#321-1] for filing as of the date of this Order. No additional pleadings will be permitted to be filed regarding Defendant's Motion for Leave to Disclose Additional Rebuttal Expert Witness [#304].

Dated: February 12, 2014