

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 11-cv-00968-REB-KLM

KATHLEEN CHYTKA,

Plaintiff,

v.

WRIGHT TREE SERVICE, INC.,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Defendant's **Motion to Strike Plaintiff's September 27, 2012 Filing** [Docket No. 130; Filed October 15, 2012] (the "Motion"). Throughout this litigation, the Court and Defendants have had great difficulty interpreting Plaintiff's filings, as the Court outlined in some detail in its Minute Order dated August 30, 2012 [#126]. Plaintiff's September 27, 2012 filing [#129] is equally as confusing. Defendant interprets the document as either an out-of-time Reply to Plaintiff's Motion for Summary Judgment [#81] or an impermissible Sur-reply to Defendant's Motion for Summary Judgment [#115]. Looking at the face of the document in conjunction with the correspondence between Plaintiff and Defendant, as attached by Plaintiff, the Court interprets Plaintiff's filing as a Sur-reply to Defendant's Motion for Summary Judgment [#115], because she filed it immediately after receiving a copy of Defendant's Reply [#128]. See [#129] at 12.

IT IS HEREBY **ORDERED** that the Motion [#130] is **GRANTED**. Accordingly,

IT IS FURTHER **ORDERED** that Plaintiff's Sur-reply [#129] is **STRICKEN**. Sur-replies are not contemplated by the Federal Rules of Civil Procedure or the Local Rules of Practice. The Court is adequately advised of the issues on the parties' present briefings.

Dated: October 24, 2012

