

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 14-cv-01520-KLM

JULIA CHUNG,

Plaintiff,

v.

EL PASO SCHOOL DISTRICT #11,

Defendant.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiff's **Motion for Leave to Permit Plaintiff to File Sur-Response** [#29] (the "Motion").

Surreplies are not contemplated by the Federal Rules of Civil Procedure or the Local Rules of Practice. However, "[g]enerally, the nonmoving party should be given an opportunity to respond to new material raised for the first time in the movant's reply." *Green v. New Mexico*, 420 F.3d 1189, 1196 (10th Cir. 2005). "Materials, for purposes of this framework, includes both new evidence and new legal arguments." *Id.* (internal quotation marks and citation omitted). "[Regardless, i]f the [Court] does not rely on the new material in reaching its decision, [] it does not abuse its discretion by precluding a surreply." *Id.* (internal quotation marks and citation omitted).

IT IS HEREBY **ORDERED** that the Motion [#29] is **DENIED**. The Court is adequately advised of the issues on the parties' present briefings.

Dated: January 14, 2015