

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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GREGORY S. HOLLISTER,	:	
	:	
<i>Plaintiff,</i>	:	
vs.	:	CIVIL ACTION NO. 1:08-cv-02254 JR
	:	
BARRY SOETORO, et al.,	:	
	:	
<i>Defendants.</i>	:	

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**PLAINTIFF’S MOTION FOR LEAVE TO FILE A SUR-REPLY**

Plaintiff Greg Hollister, through his undersigned Counsel, John D. Hemenway, Esquire, Philip J. Berg, Esquire and Lawrence J. Joyce, Esquire respectfully requests leave to file a Sur-reply to Respond to Defendants’ Reply<sup>1</sup> to the Plaintiff’s Brief and Memorandum of Law in Opposition to Defendants’ Motion to Dismiss.

Plaintiff respectfully submits that this Sur-reply is necessary because the Defendants’ Counsel Reply Brief contains several incorrect statements that cannot go un-rebutted.

For the above aforementioned reasons, Plaintiff respectfully requests this Court to grant his Motion for leave to file his Sur-reply.

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<sup>1</sup> On February 11, 2009 this Court Ordered Plaintiff to file a Response to Defendants’ Motion to Dismiss, although moot, as Plaintiff had already filed a First Amended Complaint. This Honorable Court Ordered Plaintiff’s Response to be filed by February 13, 2009 [within 2 days]. This Court did not Order or mention any type of reply deadlines. On February 26, 2009 [13 days after Plaintiff’s Response], Defendants filed a “Reply” to Plaintiff’s February 13, 2009 Brief and Memorandum of Law in Opposition to the Defendants’ Motion to Dismiss without a Motion for Leave of this Court to file said “Reply”. In the event that Defendants’ Reply is accepted, Plaintiff, Greg S. Hollister’s, Sur-reply should also be accepted in the interest of a balanced and complete record.

Respectfully submitted,

Dated: March 2, 2009

s/ John D. Hemenway

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Dated: March 2, 2009

s/ Philip J. Berg

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Dated: March 2, 2009

s/ Lawrence J. Joyce

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**CERTIFICATE OF SERVICE**

I, Philip J. Berg, Esquire, hereby certify that Plaintiff's Motion for Leave to File a Sur-reply was served via email this 2<sup>nd</sup> day of March 2009 upon the following:

Robert F. Bauer, Esquire  
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s/ Philip J. Berg  

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