

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CURTIS A. SMITH,

Plaintiff,

v.

**ILLINOIS ASSOCIATION OF
SCHOOL BOARDS, et al.,**

Defendants.

No.: 3-10-00242-DRH

ORDER

HERNDON, Chief Judge:

Pending before the Court are defendants' motion to strike portions of section I of plaintiff's memorandum in opposition to summary judgment (Doc. 120) and plaintiff's motion to strike IASB's document 120 for noncompliance with Local Rule 7.1(d) (Doc. 132). The parties filed oppositions to the motions (Docs. 131 & 138, respectively). Defendant moves to strike portions of plaintiff's memorandum in opposition claiming either mis-characterization of the facts or failure to cite to the record. Further, plaintiff moves to strike defendants' motion to strike arguing that defendants did not follow Local Rule 7.1. The Court agrees with plaintiff. Based on the following, the Court grants plaintiff's motion to strike and strikes defendants' motion to strike portions of section I of plaintiff's memorandum in opposition to summary judgment.

Defendants claim that its motion is not a reply; rather it is a "Motion to Set the Record Straight." The Court disagrees. A review of the pleadings pertaining to this issue, clearly reveals that defendants' motion to strike is a reply to the memorandum

in opposition for summary judgment. Local Rule 7.1(c) provides in part:

Reply briefs are not favored and should be filed only in exceptional circumstances. The party filing the reply brief shall state the exceptional circumstances.

Further, Local Rule 7.1(d) limits reply briefs to five pages. The Local Rule was not followed. Lastly, the Court notes, that when ruling on motions for summary judgment, the Court examines thoroughly the record to decide what facts are undisputed, what facts are disputed and what disputed facts are material to the relevant issues. Accordingly, the Court **GRANTS** plaintiff's motion to strike IASB's document 120 for noncompliance with Local Rule 7.1 (Doc. 132). The Court **STRIKES** defendants' motion to strike portions of section I of plaintiff's memorandum in opposition to its motion for summary judgment (Doc. 120).

IT IS SO ORDERED.

Signed this 19th day of September, 2011.

David R. Herndon



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**Chief Judge
United States District Court**