

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

**DR. ROBERT L. MEINDERS. D.C. LTD.,  
Individually and as the representative of  
a class of similarly-situated persons,**

**Plaintiff,**

**v.**

**No. 14-0548-DRH**

**UNITEDHEALTHCARE, INC.,  
UNITEDHEALTHCARE OF ILLINOIS,  
INC., and JOHN DOES 1-12**

**Defendants.**

**ORDER**

**HERNDON, Chief Judge:**

Pending before the Court is plaintiff's motion to strike defendants' reply brief or in the alternative for leave to file the within sur-reply thereto, *instanter* (Doc. 23). Defendants oppose the motion (Doc. 27). Based on the following, the Court denies the motion and strikes the sur-reply.

Plaintiffs argue that defendants' reply brief improperly raises a new legal theory and factual basis for dismissal. Defendants contend that plaintiffs' motion is an attempt to file a sur-reply in violation of the Local Rules and that the motion is ill-founded on the merits. Local Rule 7.1(c) provides in part:

**“Reply briefs are not favored and should be filed in only exceptional circumstances. The party filing the reply brief shall state the exceptional circumstances. Under no circumstances will sur-reply briefs be accepted.”**

Here, the reply brief states that exceptional circumstances are present as

plaintiff's memorandum in opposition raises a new issue that was not addressed in defendants' motion and ignores relevant law and facts relating to that issue. The Court has reviewed the pleadings and finds that defendants' reply brief is an appropriate reply brief contemplated by the Local Rules. Thus, the Court **DENIES** plaintiff's motion to strike defendants' reply brief or in the alternative for leave to file the within sur-reply thereto, *instanter* (Doc. 23) and **STRIKES** the sur-reply.

**IT IS SO ORDERED.**

Signed this 3rd day of September, 2014.

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by David R.  
Herndon  
Date: 2014.09.03  
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**Chief Judge  
United States District Court**