

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

**TAMMY CONWAY, individually,
and as Personal Representative
of the Estate of David Conway,
deceased,**

Plaintiff,

v.

No. 15-01137-DRH

**ADRIAN CARRIERS, LLC,
and GREGORY LEE HORNE,**

Defendants.

MEMORANDUM and ORDER

HERNDON, District Judge:

Now before the Court is plaintiff's motion to strike defendants' reply briefs (Doc. 121). Specifically, plaintiffs move to strike defendants' replies in support of their motions for summary judgment (Docs. 117, 118 & 119). Plaintiff argues that the replies violate Local Rule 7.1(c) in that the replies do not set forth the "exceptional circumstances" as required by Local Rule 7.1(c).¹ Plaintiff also argues that two of the reply briefs are more than five pages. Defendants oppose the motion stating that the exceptional circumstances are that plaintiff raised new facts that defendant must address (Doc. 122). After reviewing the record, the Court agrees with plaintiff. Thus, the Court **GRANTS** the motion to strike reply briefs

¹ 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 should state the exceptional circumstances." Local Rule 7.1(c) (emphasis in original). Local Rule 7.1(d) provides in part: "Reply briefs shall not exceed 5 pages. Requests for additional pages are not allowed."

(Doc. 121). The Court **STRIKES** defendants' reply briefs in support of the motions for summary judgment (Docs. 117, 118 & 119).

IT IS SO ORDERED.

 Digitally signed by
Judge David R. Herndon
Date: 2017.10.05
10:31:54 -05'00'



United States District Judge