

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

**KATHY HAYWOOD and LIA HOLT,  
on behalf of themselves and all others  
similarly situated,**

**Plaintiffs,**

**v.**

**No. 16-1087-DRH**

**MESSAGE ENVY FRANCHISING, LLC,**

**Defendant.**

**ORDER**

**HERNDON, District Judge:**

Now before the Court is plaintiffs' February 16, 2017 motion to strike reply brief (Doc. 48). Specifically, plaintiffs move to strike defendant's reply in support of motion to dismiss plaintiffs' amended complaint and to strike the class allegations (Doc. 42). Plaintiffs argue that the reply violates Local Rule 7.1(c) in that the reply does not set forth "circumstances" much less "exceptional circumstances" as required by Local Rule 7.1(c).<sup>1</sup> Plaintiffs maintain that they offered the Miller declaration in opposition to the motion to strike the class allegations to illustrate why discovery is needed in this matter. As of this date, defendant has not responded to the motion to strike.<sup>2</sup> After reviewing the record,

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<sup>1</sup> 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).

<sup>2</sup> Local Rule 7.1(g) states in part: "A party opposing a motion not listed in subsection (c) shall have **14 days** after service of the motion to file a written response. Failure to file a timely response to a motion may, in the Court's discretion, be considered an admission of the merits of the motion." Local Rule 7.1(g) (emphasis in original).

the Court agrees with plaintiffs. Thus, the Court **GRANTS** the motion to strike reply brief (Doc. 48). The Court **STRIKES** defendant's reply in support of motion to dismiss plaintiffs' amended complaint and to strike class allegations (Doc. 24).

**IT IS SO ORDERED.**

Signed this 22nd day of March, 2017.

 Digitally signed by  
Judge David R. Herndon  
Date: 2017.03.22  
15:28:15 -05'00'



**United States District Judge**