UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RICCI and KAREN C., Parents and next of friends of L.C.,	)	
Plaintiffs,	)	No. 1:14-cv-00576-TWP-DML
v.	)	
BEECH GROVE CITY SCHOOLS, SOUTHSIDE SPECIAL SERVICES OF MARION COUNTY,	)	
Defendants.	)	

ORDER ON PLAINTIFFS' MOTION TO FILE SURREPLY

This matter is before the Court on Plaintiffs' Motion to File Surreply Brief (Filing No. 48). At the conclusion of the July 17, 2014 telephonic conference, the Magistrate Judge asked the parties to submit a proposed order regarding the briefing schedule and page limit requirements for the cross-motions for summary judgment the parties anticipated filing. The parties discussed the briefing schedule and page limits and jointly filed an agreed proposal (Filing No. 21).

The parties agreed that Plaintiffs would file a motion for summary judgment and brief in support of the motion, and then the Defendants would respond to the Plaintiffs' motion and file their own cross-motion for summary judgment. The parties further agreed that the Plaintiffs would then file a consolidated Response Brief to Defendants' cross-motion and Reply Brief in support of their own motion. This would be followed by the Defendants' Reply Brief. The parties' joint briefing schedule also included page limits for the parties' briefs, giving Plaintiffs 95 pages and Defendants 85 pages. The Court ordered briefing according to the parties' agreement (Filing No. 22).

The "purpose for having a motion, response and reply is to give the movant the final opportunity to be heard and to rebut the non-movant's response, thereby persuading the court that the movant is entitled to the relief requested by the motion." *Lady Di's, Inc. v. Enhanced Servs.* Billing, Inc., 2010 U.S. Dist. LEXIS 29463, at *4 (S.D. Ind. Mar. 25, 2010). Local Rule 56-1(d) allows a summary judgment surreply only in limited circumstances—if the movant cites new evidence in the reply or objects to the admissibility of the evidence cited in the response. Where a surreply is permitted, it must be limited to the new evidence and objections.

Plaintiffs filed their Motion to File Surreply Brief on the basis that they feel they need to address some specific points. However, this is not a proper basis to allow a summary judgment surreply. No new evidence or objections are raised. Plaintiffs' almost ninety-five pages of briefing adequately addresses the issues in this matter. Therefore, the Court **DENIES** Plaintiffs' Motion to File Surreply Brief (Filing No. 48).

SO ORDERED.

Date: 3/24/2016

TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

Distribution:

Alexander Phillip Pinegar
CHURCH CHURCH HITTLE & ANTRIM
apinegar@cchalaw.com

Alexandra Marie Curlin
CURLIN & CLAY LAW
amcurlin@curlinclaylaw.com

Amy Ann Matthews
CHURCH CHURCH HITTLE & ANTRIM
amatthews@cchalaw.com

Robin C. Clay
CURLIN & CLAY LAW
rclay@curlinclaylaw.com