UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

7E FIT SPA LICENSING GROUP LLC, 7E HOLDINGS 1 LLC, 7E LLC, Plaintiffs, vs. SUSAN DIER, 7EFS OF WHEATRIDGE LLC, SPECTRUM MEDSPA, Defendants.	)	1:15-cv-01111-RLY-MPB
SUSAN DIER GRAF, 7EFS OF WHEATRIDGE LLC, SUSAN DIER GRAF, 7EFS OF WHEATRIDGE LLC, FULL BODY SHOP, SPECTRUM MEDSPA, 7EFS OF WHEATRIDGE LLC, SUSAN DIER, Counter Claimants, vs. 7E FIT SPA LICENSING GROUP LLC, 7E HOLDINGS 1 LLC, 7E LLC, 7E FIT SPA LICENSING GROUP LLC, 7E HOLDINGS 1 LLC, 7E LLC, Counter Defendants.	)	

SUSAN DIER GRAF, 7EFS OF WHEATRIDGE LLC doing business as MEDSPA, SUSAN DIER GRAF, 7EFS OF WHEATRIDGE LLC, FULL BODY SHOP, SPECTRUM MEDSPA, 7EFS OF WHEATRIDGE LLC, SUSAN DIER, Third Party Plaintiffs, vs. STEVE NIELSEN, STEVE NIELSEN, Third Party Defendants.	)

ORDER ON COUNTERCLAIM/THIRD PARTY PLAINTIFFS' MOTION FOR LEAVE TO FILE SURREPLY

Counterclaim/Third Party Plaintiffs request that the court consider their surreply regarding Counterclaim/Third Party Defendants' pending motion to dismiss for failure to state a claim. The court agrees that Counterclaim/Third Party Defendants raised a new legal argument regarding Count 1 of the Counterclaim in their reply brief (i.e., that it should be dismissed because it is not a claim, but rather a type of relief). Consequently, the court will allow Counterclaim/Third Party Plaintiffs to file a surreply responding to that argument alone. The surreply shall be limited to three pages and filed within seven days of the date of this Order. *See Meraz-Camacho v. United States*, 417 Fed. Appx. 558, 559 (7th Cir. 2011) ("The decision to permit the filing of a surreply is purely

discretionary and should generally be allowed only for valid reasons, such as when the movant raises new arguments in a reply brief.").

Therefore, Counterclaim/Third Party Plaintiffs' Motion for Leave to File Surreply (Filing No. 48) is **GRANTED**.

SO ORDERED this 27th day of June 2016.

RICHARD L. YOUNG, CHIEF JUDGE
United States District Court
Southern District of Indiana

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