

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

)  
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. )

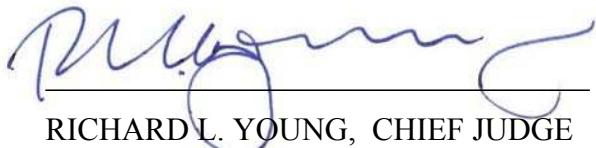
**ORDER ON COUNTERCLAIM/THIRD PARTY  
PLAINTIFFS' MOTION FOR LEAVE TO FILE SURREPLY**

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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