

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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

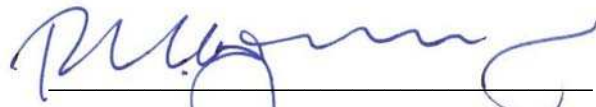
**ORDER ON COUNTERCLAIM/THIRD PARTY  
PLAINTIFFS' MOTION FOR LEAVE TO FILE SURREPLY**

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

Distributed Electronically to Registered Counsel of Record.