

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

SPRINT COMMUNICATIONS COMPANY L.P.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 05-2433-JWL
)	
VONAGE HOLDINGS CORP.,)	
VONAGE AMERICA, INC.,)	
)	
Defendants.)	

**PLAINTIFF SPRINT COMMUNICATIONS COMPANY L.P.’S
MOTION FOR LEAVE TO FILE A SUR-REPLY TO VONAGE’S REPLY
IN SUPPORT OF VONAGE’S MOTION TO COMPEL**

Plaintiff Sprint Communications Company L.P. (“Sprint”) respectfully moves for leave to file a sur-reply to Vonage’s Reply in Support of Vonage’s Motion to Compel. Sprint’s proposed Sur-reply is attached hereto as Exhibit A.

Leave to file a sur-reply may be granted when a party “improperly raises new arguments in a reply.” *Pehr v. Rubbermaid, Inc.* 87 F.Supp. 2d 1222, 1236 (D. Kan. 2000). Vonage’s Reply raises new arguments that mischaracterize Sprint’s discovery efforts. Sprint’s Sur-reply is limited to correcting the record with respect to the inaccuracies and unsupported inferences advanced by Vonage in its Reply.

WHEREFORE, Sprint respectfully requests leave to present and file with this Court the accompanying Sur-reply addressing the foregoing issues.

Respectfully submitted,

Dated: February 12, 2007

/s/ Adam P. Seitz
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L.P.

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of February, 2007, a true and accurate copy of the above and foregoing **PLAINTIFF SPRINT COMMUNICATIONS COMPANY L.P.'S MOTION FOR LEAVE TO FILE SUR-REPLY TO VONAGE'S REPLY IN SUPPORT OF VONAGE'S MOTION TO COMPEL** was e-filed with the Court, which sent notice to the following:

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