

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Banner Life Insurance Company,

Case No. 22-cv-605 (JRT/DJF)

Plaintiff,

v.

ORDER

Maxwell Bultman, et al,

Defendants.

This matter is before the Court on Defendant Andrea LiBrizzi's letter request for permission to file a reply memorandum (ECF No. 58) in support of her Motion to Amend Pleadings (ECF No. 43) (attaching a proposed amended responsive pleading) and Amended Motion to Amend Pleadings (ECF No. 51) (attaching another version of her proposed amended responsive pleading). Based on the letter, however, Ms. LiBrizzi does not seek an opportunity to file a reply in support of her motion, but rather, seeks an opportunity to file yet a third iteration of her proposed amended responsive pleading. Ms. LiBrizzi's motions to amend are presently scheduled for hearing November 29, 2022.

Under these circumstances the Court finds that to permit a purported "reply" that attaches an entirely new version of her proposed amendment to the pleadings would be prejudicial to the other parties. The Court accordingly **DENIES** the request and states that it will issue a decision based on the briefing and documents presently before the Court. Alternatively, Ms. LiBrizzi is free to withdraw her Motion to Amend (ECF No. 43) and Amended Motion to Amend (ECF No. 51) and file a clean motion to amend attaching the version of the amended pleadings she now seeks to have filed. In the event that she does so, the November 29 hearing will be canceled. Ms.

LiBrizzi must obtain a new hearing date from the Court and file any new motion in compliance with all of the requirements of Local Rule 7.1. This Order should not be construed by any party as a decision on the merits or timeliness of any such potential new motion, or as an indication of how the Court might rule on a motion to extend the deadline for filing motions to amend under the Pretrial Scheduling Order (ECF No. 30).

SO ORDERED.

Dated: November 18, 2022

s/ Dulce J. Foster _____

Dulce J. Foster

United States Magistrate Judge