IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

RONALDO DESIGNER JEWELRY, INC. **PLAINTIFF**

V. **NO. 1:17-CV-2-DMB-DAS**

JAMES B. COX and CATHERINE A. COX d/b/a JC DESIGNS d/b/a WIRE N RINGS and JOHN DOE a/k/a LEROY and JOHN DOES Numbers 1 through 99 **DEFENDANTS**

ORDER

On February 27, 2019, Ronaldo Designer Jewelry, Inc., filed a motion "to strike a new argument … in Defendants' Reply to Plaintiff's Response and Objeciton [sic] to Defendants' Motion to Exclude Testiomny [sic] of Experts …." Doc. #301. Ronaldo contends that the relevant argument—that certain experts cannot testify because their reports have been designated as confidential—should be stricken because it was raised for the first time in the reply. *Id*. at 2. In the alternative, Ronaldo asks that it be granted leave to file a sur-reply addressing the new argument. *Id*. at 3. The defendants did not respond to the motion to strike.

"[A] court generally will not consider arguments raised for the first time in a reply brief." *Canal Ins. Co. v. XMEX Transp., LLC*, 48 F. Supp. 3d 958, 970 (W.D. Tex. 2014). Consistent with this rule, the Court will not consider the confidentiality argument challenged by Ronaldo. Accordingly, the motion to strike or file a sur-reply [301] is **DENIED as moot**. *See Smith v. U.S. Customs & Border Protection*, 741 F.3d 1016, 1020 n.2 (9th Cir. 2014) (denying as moot motion to strike new argument when argument not considered).

SO ORDERED, this 9th day of January, 2020.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE