

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

| | | |
|---------------------------------|---|-----------------|
| ACI WORLDWIDE CORP., |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | 8:14CV31 |
| |) | |
| MASTERCARD TECHNOLOGIES, |) | |
| LLC and MASTERCARD |) | ORDER |
| INTERNATIONAL |) | |
| INCORPORATED, |) | |
| |) | |
| Defendants. |) | |

This matter is before the court on Plaintiff’s motion for leave ([Filing No. 405](#)) to file a sur-reply brief in opposition to Defendants’ Motion for Summary Judgment ([Filing No. 374](#)). Defendants filed a brief ([Filing No. 406](#)) opposing the motion.

This court’s local rules provide, “No party may file further briefs or evidence [after the moving party files a reply brief] without the court’s leave.” NECivR [7.1\(c\)](#). Plaintiff asserts its proposed sur-reply brief identifies and corrects “several new and incorrect assertions” in Defendants’ reply brief ([Filing No. 404](#)) which will provide the court with a full and accurate record. ([Filing No. 405 at p. 1](#)). However, as Defendants have pointed out in their brief opposing this motion, each issue addressed in Plaintiff’s proposed sur-reply was raised in Defendants’ initial brief ([Filing No. 375](#)) in support of the motion for summary judgment. Plaintiff’s proposed sur-reply brief appears to be a restatement of its arguments in its brief in opposition ([Filing No. 390](#)). Accordingly,

IT IS ORDERED: Plaintiff’s Motion for Leave to File Sur-Reply Brief in Opposition to Defendants’ Motion for Summary Judgment ([Filing No. 405](#)) is denied.

DATED: August 12, 2016.

BY THE COURT:

s/ **F.A. Gossett**
United States Magistrate Judge