

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

ACI WORLDWIDE CORP.,

Plaintiff,

vs.

**MASTERCARD TECHNOLOGIES, LLC,
AND MASTERCARD INTERNATIONAL,
Incorporated;**

Defendants.

8:14CV31

**MEMORANDUM
AND ORDER**

This matter is before the Court on the Objection to Magistrate Judge's Order ("Objection") (Filing No. 420), filed by Plaintiff ACI Worldwide Corp. ("ACI"). ACI objects to Magistrate Judge Gossett's Order ("Order") (Filing No. 412) denying its Motion for Leave to File Sur-Reply (Filing No. 405). The proposed sur-reply concerns Defendants' Motion for Summary Judgment (Filing No. 374).

ACI asserts that its Objection should be sustained because the Order was clearly erroneous. When a party objects to a magistrate judge's order on a nondispositive pretrial matter, a district court may set aside any part of the order shown to be clearly erroneous or contrary to law. Fed. R. Civ. P. 72(a); 28 U.S.C. § 636(b)(1)(A). "A finding is clearly erroneous when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." *Chase v. Comm'r of Internal Revenue*, 926 F.2d 737, 740 (8th Cir. 1991) (internal quotation marks omitted). ACI argues that leave to file a sur-reply is necessary to respond to several inaccuracies in Defendants' reply brief. Judge Gossett's Order determined that "Plaintiff's proposed sur-reply brief appears to be a restatement of its arguments in its brief in opposition." (Filing No. 412.) This Court

agrees and finds that the Order is not clearly erroneous. ACI's Objection will be overruled. Accordingly,

IT IS ORDERED: Plaintiff ACI Worldwide Corp.'s Objection to Magistrate Judge's Order (Filing No. 420) is overruled.

Dated this 13th day of September, 2016

BY THE COURT:

s/Laurie Smith Camp
Chief United States District Judge