

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

DOUGLAS C. ROUNDY and LISA A.
ROUNDY,

Plaintiff(s),

v.

BANK OF AMERICA, N.A., et al.,

Defendant(s).

2:12-CV-1253 JCM (GWF)

ORDER

Presently before the court is plaintiffs’ motion for leave to file sur-reply in support of their opposition to the motion to dismiss. (Doc. # 18).

Plaintiffs wish to file a sur-reply to address a case first referenced in defendants’ reply brief. The case is *Edelstein v. Bank of New York Mellon*, 128 Nev. Adv. Opn. 48 (Nev. 2012), which was issued by the Nevada Supreme Court on September 27, 2012. The Nevada Supreme Court issued the opinion in the *Edelstein* case after plaintiffs filed their response, so plaintiffs have not yet had an opportunity to address the *Edelstein* case. Plaintiffs represent this case both “hurts” and “strengthens” their case. (Doc. # 18). Therefore, the court will permit plaintiffs an opportunity to file a sur-reply by Tuesday, October 31, 2012. The sur-reply may only address issues raised by the *Edelstein* opinion.

Defendants have not filed a response in opposition to the instant motion, though they likely have not yet had the opportunity. Defendants may respond to the sur-reply within five business days


1 of the filing of the sur-reply, and defendants' response must be limited to the number of pages in the
2 sur-reply.

3 Accordingly,

4 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that plaintiffs' motion for leave
5 to file sur-reply in support of their opposition to dismiss (doc. # 18) be, and the same hereby, is
6 GRANTED.

7 DATED October 19, 2012.

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28



UNITED STATES DISTRICT JUDGE