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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

BARBIE MORGAN,

Plaintiff,

v.

BEST BUY CO., INC,

Defendant.

Case No. 2:17-cv-00034-APG-VCF

**ORDER (1) GRANTING MOTION FOR  
LEAVE TO FILE SUR-REPLY, (2)  
DIRECTING RESPONSE, AND (3)  
SUSPENDING SUMMARY  
JUDGMENT BRIEFING**

(ECF Nos. 31, 32)

10 I previously directed plaintiff Barbie Morgan to file a supplemental opposition regarding  
11 the qualifications of her expert, Dr. Byers. ECF No. 28. Morgan filed her response on November  
12 28, 2017. ECF No. 30. Defendant Best Buy Co., Inc. moves for leave to file a sur-reply, arguing  
13 that Dr. Byers admitted at her deposition that she is not opining on causation and would be a  
14 rebuttal expert. Best Buy thus contends Morgan has no medical expert to testify on causation, so  
15 Best Buy is entitled to summary judgment. Best Buy also filed a separate summary judgment  
16 motion given the December 3, 2017 dispositive motion deadline. *See* ECF No. 14. To save the  
17 parties' resources, I am granting Best Buy's motion for leave to file a sur-reply, suspending the  
18 summary judgment briefing, and directing Morgan to respond to Best Buy's sur-reply.

19 IT IS THEREFORE ORDERED that defendant Best Buy Co. Inc.'s motion for leave to  
20 file a sur-reply (**ECF No. 31**) is **GRANTED**.

21 IT IS FURTHER ORDERED that briefing on defendant Best Buy Co. Inc.'s motion for  
22 summary judgment (ECF No. 32) is suspended pending further order of the court.

23 IT IS FURTHER ORDERED that plaintiff Barbie Morgan has until December 15, 2017 to  
24 file a response to Best Buy's sur-reply.

25 DATED this 4th day of December, 2017.

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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE