

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

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

SERVER TECHNOLOGY, INC., a Nevada
corporation,

Plaintiff and Counterdefendant,

v.

AMERICAN POWER CONVERSION
CORPORATION, a Massachusetts
corporation,

Defendant and Counterclaimant

3:06-CV-00698-LRH-VPC

ORDER

Before the court is plaintiff and counter-defendant Server Technology, Inc.'s ("STI") motion to strike or, in the alternative, for leave to file a sur-reply. Doc. #395.

A court has the inherent authority to grant leave to a party to file a sur-reply when the information in that sur-reply would be germane to the evaluation of a pending matter. *See Cedars-Sinai Medical Center v. Shalala*, 177 F.3d 1126, 1129 (9th Cir. 1999).

Here, the court has reviewed the documents and pleadings on file in this matter and finds that a sur-reply would be germane to the court's evaluation of defendant's pending motion for reconsideration. Therefore, the court shall grant STI's motion and allow STI to file a short sur-reply of not more than ten (10) pages in response to defendant's reply to its motion for reconsideration.

///

1 IT IS THEREFORE ORDERED that plaintiff/counter-defendant's motion to strike or, in
2 the alternative, for leave to file a sur-reply (Doc. #395) is GRANTED. Plaintiff/counter-defendant
3 Server Technology, Inc. shall have ten (10) days after entry of this order to file a sur-reply of not
4 more than ten (10) pages in response to defendant's reply to its motion for reconsideration.

5 IT IS FURTHER ORDERED that defendant and counter-claimant's motion to extend time
6 (Doc. #392) is GRANTED nunc pro tunc.

7 IT IS FURTHER ORDERED that the parties request for a status conference (Doc. #388) is
8 DENIED.

9 IT IS SO ORDERED.

10 DATED this 4th day of June, 2013.



11
12 LARRY R. HICKS
13 UNITED STATES DISTRICT JUDGE
14
15
16
17
18
19
20
21
22
23
24
25
26