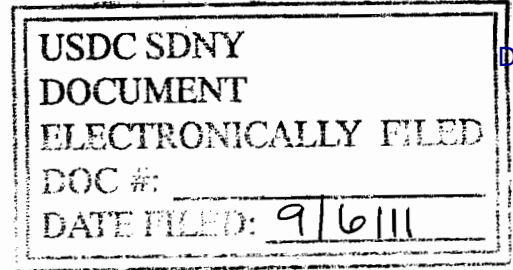


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X  
EDITH SCHLAIN WINDSOR, :  
 :  
 : Plaintiff, :  
 :  
 : v. :  
 :  
 :  
 : THE UNITED STATES OF AMERICA, :  
 : Defendant. :  
-----X

10 Civ. 8435 (BSJ)  
Order

BARBARA S. JONES  
UNITED STATES DISTRICT JUDGE

The Court is in receipt of Defendant BLAG's motion for clarification, motion for additional pages, and leave to file a sur-reply filed September 2, 2011.

Defendant seeks to "clarify" the Court's order of August 29, 2011, which clearly stated that "Plaintiff's reply is due on or before September 16, 2011." Specifically, Defendant seeks clarification of the clerk's ECF entry, which reads: "Set/Reset Deadlines: Replies due by 9/16/2011. (js)." Defendant argues that this entry is "most sensibl[y]" read to extend the deadline for both reply submissions.

Here, the Court agrees with Plaintiff that Defendant appears to be "capitalizing on a typographical error in a clerk's docket entry." The clear language of this Court's order governs, and that order did not alter the deadline for submission of Defendant's reply in support of its motion to dismiss. This is especially clear because the motion to strike

and subsequent order solely concerned the motion for summary judgment and did not even mention the motion to dismiss. The Court will endeavor to correct the error in the docket entry.


The Court considers Defendant's filing of a motion to address this issue unnecessary; in the future, a simple letter by mail or fax requesting clarification would suffice.

Defendant's motion in the alternative to extend the deadline is DENIED. The deadline for Defendant's reply remains September 9, 2011.

Defendant's request for an extension of the page limit for its reply in support of their motion to dismiss is GRANTED. Defendant may file a reply brief of up to seventeen pages.

As to Defendant's request for leave to file a surreply, the Court denies the request as premature. As the Plaintiff's reply has not yet been filed, the Court cannot now determine whether any "new or unexpected" arguments or issues will be raised that would necessitate a surreply. Defendant may renew its request after the reply brief is submitted if new issues are raised in Plaintiff's reply.

SO ORDERED:

  
\_\_\_\_\_  
**BARBARA S. JONES**  
**UNITED STATES DISTRICT JUDGE**

Dated: New York, New York  
September 6, 2011