


The purpose of Rule 6(d), however, is to prevent unfair surprise via last minute filings. *Orsi v. Kirkwood*, 999 F.2d 86 (4th Cir. 1993). In order to ensure that there is no appearance of surprise, therefore, the Court will allow defendant's sur-reply and attendant declarations. [DE 40, ex. 1].

Accordingly, defendant's motion is DENIED as to the request to strike, but GRANTED as to the request for leave to file a sur-reply.

SO ORDERED, this the 7 day of April, 2015.



TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE