

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

|                                     |   |                              |
|-------------------------------------|---|------------------------------|
| <b>NATHAN TOWE et al.</b>           | ) |                              |
|                                     | ) |                              |
| <b>Plaintiffs,</b>                  | ) |                              |
|                                     | ) |                              |
| <b>v.</b>                           | ) | <b>Case No. CIV-22-884-G</b> |
|                                     | ) |                              |
| <b>STATE FARM FIRE AND CASUALTY</b> | ) |                              |
| <b>COMPANY et al.,</b>              | ) |                              |
|                                     | ) |                              |
| <b>Defendants.</b>                  | ) |                              |

**ORDER**

On December 21, 2022, the Court granted Defendant State Farm Fire and Casualty Company’s request for leave to file a surreply in connection with Plaintiffs’ motion to remand. *See* Order of Dec. 21, 2022 (Doc. No. 23). Defendant then timely filed its Surreply, *see* Doc. No. 26.

Plaintiffs now move the Court to either strike the Surreply or permit Plaintiffs to file a response to that Surreply, primarily arguing that Defendant was not faced with any new allegations that warranted a surreply. *See* Pls.’ Mot. to Strike (Doc. No. 28) at 2-4.

As conceded by Plaintiffs, however, the Court already considered and rejected Plaintiffs’ arguments to this effect in expressly authorizing the filing of a surreply. *See id.*

at 2 n.3. Further,

[t]he Court rejects [Plaintiffs’] contention that the arguments presented in [Defendant’s] brief exceed the scope of that authorization, and in any event, [Plaintiffs] effectively respond[] to [Defendant’s] brief by including substantive arguments in support of [their] Motion. The Court will consider [Plaintiffs’] additional arguments in deciding the underlying motion. No further briefing is warranted.

*United States v. Keough*, No. CR-17-290-D, 2020 WL 1549730, at \*1 (W.D. Okla. Apr. 1, 2020).

Plaintiffs' Motion to Strike (Doc. No. 28) is DENIED.

IT IS SO ORDERED this 27th day of March, 2024.

  
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CHARLES B. GOODWIN  
United States District Judge