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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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ESTHER ISRAEL,

Plaintiff,

v.

UNIVERSITY OF UTAH, DONALD  
STEVEN STRASSBERG, JORDAN  
ELIZABETH RULLO, JULIA  
MACKARONIS, KELLY KINNISH, and  
MICHAEL MINER,

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING PLAINTIFF'S  
MOTION TO FILE SURREPLY

Case No. 2:15-CV-741 TS PMW

District Judge Ted Stewart

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This matter is before the Court on Plaintiff's Motion to File Sur-Reply and Extension of Time to File Sur-Reply. "The court may permit the filing of a surreply at its discretion."<sup>1</sup> "In general, a court will grant the nonmoving party an opportunity to file a surreply brief if it has not had the opportunity to respond to new evidence or new legal arguments presented by the moving party in a reply memorandum."<sup>2</sup>

Plaintiff's Reply (Docket No. 79) identifies a list of facts and arguments contained in Defendants' Reply (Docket No. 74) to which Plaintiff wishes to respond. "A pro se litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers."<sup>3</sup> "[T]his rule means that if the court can reasonably read the pleadings to state a valid claim on which the plaintiff could prevail, it should do so . . . ."<sup>4</sup>

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<sup>1</sup> *Tucker v. United States*, No. 2:12-CV-409 DAK, 2013 WL 3776272, at \*2 (D. Utah July 17, 2013) (citing *Baptist Mem'l Hosp. v. Sebelius*, 765 F. Supp. 2d 20, 31 (D. D.C. 2011)).

<sup>2</sup> *Id.* (citing *Green v. New Mexico*, 420 F.3d 1189, 1196 (10th Cir. 2005)).

<sup>3</sup> *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

Upon consideration of Plaintiff's arguments and the liberal pleading standard afforded to pro se litigants, the Court will exercise its discretion in allowing Plaintiff to file a surreply.

It is therefore

ORDERED that Plaintiff's Motion to File Sur-Reply and for Extension of Time to File Sur-Reply (Docket No. 75) is GRANTED. Plaintiff must file a surreply by June 25, 2018.

DATED this 19th day of June, 2018.

BY THE COURT:



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Ted Stewart  
United States District Judge

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<sup>4</sup> *Id.*