
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

DAVID J. D'ADDABBO,
Plaintiff,

v.

EVELYN SMITH, et al.,
Defendants.

**MEMORANDUM DECISION AND
ORDER STRIKING SECOND REPLY TO
MOTION TO DISMISS (ECF NO. 20)**

Case No. 2:16-cv-854-CW-EJF

District Judge Clark Waddoups

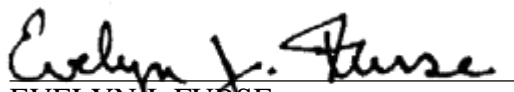
Magistrate Judge Evelyn J. Furse

On January 23, 2017 Plaintiff David J. D'Addabbo filed a Reply (ECF No. 20) to Defendants' Reply (ECF No. 19) in support of their Motion to Dismiss (ECF No. 14) without first requesting leave of court. Defendants filed a Motion to Dismiss on December 12, 2016. (ECF No. 14.) Mr. D'Addabbo filed a Response on January 4, 2017. (ECF No. 18.) Defendants filed a Reply in support of the Motion to Dismiss on January 23, 2017. (ECF No. 19.)

District of Utah's local rule ("Local Rule") 7-1(b)(2)(A)-(B) allows for one response and one reply memoranda in opposition to a Fed. R. Civ. P. 12(b) motion. Local Rule 7-1(b)(2)(A)-(B) further states that "[n]o additional memoranda will be considered without leave of court." Mr. D'Addabbo did not seek leave of court to file a second response to Defendants' Motion to Dismiss. Therefore, the Court strikes Mr. D'Addabbo's Reply filed on January 23, 2017. (ECF No. 20.)

DATED this 25th day of January, 2017.

BY THE COURT:



EVELYN J. FURSE
United States Magistrate Judge