

---

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

---

**REBECCA BLACKETT,**

Plaintiff,

v.

**BRAINSTORM,**

Defendant.

**MEMORANDUM DECISION AND  
ORDER**

Case No. 2:21-cv-00415-JNP-DBP

District Judge Jill N. Parrish

---

On August 15, 2023, Defendant filed a reply brief (ECF No. 63) in support of its motion for summary judgment (ECF No. 36). Defendant's reply brief offered new evidence, including the declarations of Eric Farr, Gus Hytonen, Andrew Wojciechowski, and Matthew Durham. ECF Nos. 63-2, 63-3, 63-4, 63-5. While the court could decline to consider the new evidence raised in Defendant's reply, *see* DUCivR 56-1(d), the court finds that justice and judicial efficiency will be better served by granting Plaintiff an opportunity to respond to the new evidence before the court issues a decision on Defendant's motion.

For the reasons set forth herein, the court **ORDERS** that Plaintiff shall have leave to respond to the new evidence raised in Defendant's reply by filing a sur-reply no later than within 30 days of this order.

Signed November 16, 2023

BY THE COURT



Jill N. Parrish

United States District Court Judge