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3 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
4 AT TACOMA

5 JAMES O'NEIL WIGGIN,

6 Plaintiff,

7 v.

8 WILLIAM ROLLINS, et al.,

9 Defendants.

CASE NO. C13-5057 BHS-KLS

ORDER GRANTING MOTION TO  
STRIKE SURREPLY

10 On October 23, 2013, State Defendants filed a Motion for Summary Judgment. Dkt.  
11 120. On October 24, 2013, Defendant Dreyer joined in the State Defendants' Motion for  
12 Summary Judgment. Dkt. 122. On November 15, 2013, Plaintiff filed a Response Brief in  
13 Opposition to Defendants' Motion for Summary Judgment. Dkt. 137. On November 19,  
14 2013, Defendant Dreyer filed her Reply in Support of Motion for Summary Judgment. Dkt.  
15 140.

16 On November 22, 2013 this Court entered an order staying all discovery pending  
17 adjudication of Defendants' Motion for Summary Judgment, denying Plaintiff's Motion to  
18 Strike, denying Plaintiff's Motion for a Protective Order, and denying Plaintiff's Motion for  
19 an Extension of Time. ECF. No. 143.

20 On December 2, 2013, Plaintiff filed a Surreply to Defendant Dreyer's Reply in  
21 Support of Motion for Summary Judgment. Dkt. 150. Plaintiff did not file a motion  
22 requesting permission to file his surreply, which is eight pages long and does not include  
23 any requests to strike material in a brief. Dkt. 150.

1 Local Civil Rule 7(g) states that a surreply is allowed only when there is a “request to  
2 strike material contained in or attached to a reply brief.” LCR 7(g). Apart from requests  
3 to strike material in a reply brief, surreplies are not permitted. “Extraneous argument or a  
4 surreply filed for any other reason will not be considered.” LR 7(g)(2). In any event,  
5 surreplies “shall not exceed three pages.” LR 7(g)(3).

6 This Court has rejected surreplies when they are improper or do not address requests  
7 to strike material. *S.E.C. v. Fuhlendorf*, C09-1292, 2011 WL 999221 (W.D. Wash. Mar.  
8 17, 2011) (“Local Rule 7(g) allows surreplies only for requests to strike material attached to  
9 a reply brief; granting motion to strike surreply because the surreply did not seek to strike  
10 material in the reply brief); *Atlantic Const. Fabrics, Inc. v. Metrochem, Inc.*, C03-5645BHS,  
11 2007 WL 2963823 (J. Settle, W.D. Wash. Oct. 9, 2007) (“A surreply is to be ‘strictly  
12 limited to addressing the request to strike’”; denying motion to file substantive surreply);  
13 *Neill v. All Pride Fitness of Washougal, LLC*, C08-5424RJI3, 2009 WL 1255101 (W.D.  
14 Wash. May 4, 2009) (denying motion to file surreply because it did not move to strike any  
15 material contained in or attached to a reply brief).

16 Plaintiff has not requested to strike any material in Defendant Dreyer’s reply brief.  
17 Rather, Plaintiff offers only substantive argument. Such argument is not permitted by  
18 the rules and should be stricken. Accordingly, it is **ORDERED**:

19 (1) Defendant Dreyer’s motion to strike Plaintiff’s surreply (Dkt. 152) is  
20 **GRANTED**. Plaintiff’s surreply (Dkt. 150) is **STRICKEN**.

21 (2) The Clerk shall send a copy of this Order to Plaintiff and counsel for Defendants.

22 **DATED** this 10<sup>th</sup> day of December, 2013.

23   
24 Karen L. Strombom  
United States Magistrate Judge