

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 MARY A. MEEKER,

11 Plaintiff,

12 v.

13 NANCY A. BERRYHILL, Deputy
Commissioner of Social Security for
14 Operations,

15 Defendant.

CASE NO. 3:17-CV-05212-DWC

ORDER

16 Pursuant to 28 U.S.C. § 636(c), Federal Rule of Civil Procedure 73 and Local Rule
17 MJR 13, the parties have consented to have this matter heard by the undersigned Magistrate
18 Judge. Dkt. 22. Currently pending before the Court is Defendant's Motion for Leave to File a
19 Surreply ("Motion"). Dkt. 34. In the Motion, Defendant seeks to file a surreply to Plaintiff's
20 Reply stemming from Plaintiff's Motion for Attorney Fees (Dkt. 29) pursuant to the Equal
21 Access to Justice Act ("EAJA").

22 Pursuant to Local Rule CR 7(g)(2), surreplies are "strictly limited" to requests to strike
23 material contained in or attached to a reply brief. "Extraneous argument or a surreply filed for
24

1 any other reason will not be considered.” *Id*; see also *Herrnandez v. Stryker Corp.*, 2015 WL
2 11714363, at *2 (W.D. Wash. Mar. 13, 2015).

3 In the present Motion, Defendant seeks to file a surreply because Defendant feels
4 “compelled” to reply to the substance of Plaintiff’s Reply. Dkt. 34, p. 2. The Court acknowledges
5 Plaintiff’s Reply contains characterizations of Defendant’s alleged actions which could have
6 been expressed more tactfully. *See* Dkt. 33, pp. 2, 4. However, because Defendant does not seek
7 to strike material contained in or attached to Plaintiff’s Reply, Defendant’s Motion to File a
8 Surreply (Dkt. 34) is denied.

9 Dated this 13th day of April, 2018.

10 

11 _____
12 David W. Christel
13 United States Magistrate Judge
14
15
16
17
18
19
20
21
22
23
24