

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

LINDA L. ROBERTS,)
Plaintiff,)
v.) No. 3:07-cv-413
A&S BUILDING SYSTEMS, L.P.,) (Phillips)
a subsidiary of NCI GROUP, L.P., and)
NCI GROUP, INC., L.P.,)
Defendants.)

ORDER

This matter is before the court on plaintiff's motion requesting leave to file response to defendants' sur-reply [Doc. 29] and plaintiff's motion to strike defendants' sur-reply [Doc. 32]. Plaintiff relies heavily on Local Rule 7.1(a) in support of her motion for leave to file response, arguing that this court granted defendants leave to file a sur-reply without giving her a reasonable opportunity to respond to the motion. Plaintiff further argues that the sur-reply should be stricken, as it is in violation of the motion, the order, and the Local Rules of this court.

Contrary to her arguments in support of the motion requesting leave to file a response, however, Local Rule 7.1(a) and the language which plaintiff selectively quotes pertain to the standard briefs allowed in motion practice and response times therefor. No leave is required to file these briefs. Briefs in addition to a reply brief, however, are governed by Local Rule 7.1(d), and the parties must be granted leave of court to file such briefs. This decision whether to grant leave is wholly within the court's discretion.

Furthermore, in support of her motion to strike defendants' response, plaintiff argues that Local Rule 7.1(d) limits supplemental briefs to five pages or less in length and that defendants' nine-page sur-reply is in violation not only of this rule, but of the parameters requested in the motion for leave to file sur-reply. The page limitation to which plaintiff refers, however, pertains to supplemental briefs allowed *without* leave of this court, where subsequent, pertinent developments occur after a party's final brief is filed. Local Rule 7.1(d) specifically limits the length of these responses, but does not dictate a specific length for responses for which this court grants leave.

After reviewing the extensive briefs already filed regarding plaintiff's renewed motion to remand, the court finds that it has more than sufficient information to consider fully plaintiff's motion to remand, and additional briefs are not necessary. In addition, the court finds that the sur-reply is not in violation of the Local Rules of this court, and any extension beyond the boundaries requested by the motion for leave is harmless. Accordingly, plaintiff's motion for leave [Doc. 29] is **DENIED**, plaintiff's motion to strike defendants' sur-reply [Doc. 32] is **DENIED**, and plaintiff's memorandum in opposition to defendants' sur-reply [Doc. 34] is **STRICKEN** as filed without leave of this court.

IT IS SO ORDERED.

ENTER:

s/ Thomas W. Phillips
United States District Judge