

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

| | | |
|---------------------------------------|---|--------------------------------|
| _____ |) | |
| CHRISTOPHER SANDERS, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Civil Action No. 06-1411 (PLF) |
| |) | |
| DISTRICT OF COLUMBIA, <u>et al.</u> , |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

MEMORANDUM OPINION AND ORDER

On October 1, 2013, the Court ordered the parties to file supplemental memoranda regarding the parties' pending cross-motions for summary judgment. The parties filed their respective memoranda on November 12, 2013. On November 3, 2014, however, plaintiff filed an unsolicited "Notice of Supplemental Authority." In addition to notifying the Court of recent potentially relevant court decisions, the Notice contains significant legal argument and appears to be more a supplemental memorandum of law than a "notice."

Neither the Federal Rules of Civil Procedure nor the Local Rules of this Court provide for the filing of supplemental authorities. In practice, however, this Court has allowed notices of supplemental authority to be filed without leave of court, provided that such notices are limited. Cf. FED. R. APP. PRO. 28(j) (A party may file a letter "setting forth the citations" and "stat[ing] the reasons for the supplemental citations" in 350 words or less). But "[a] surreply may be filed only by leave of Court, and only to address new matters raised in a reply to which a party would otherwise be unable to respond." United States ex rel. Pogue v. Diabetes Treatment

Ctrs. of Am., Inc., 238 F. Supp. 2d 270, 276-77 (D.D.C. 2002). Plaintiff did not request such leave.

Although plaintiff has filed an impermissible surreply, the Court, in its discretion, will not strike plaintiff's Notice of Supplemental Authority. Defendants instead will be given the opportunity to respond to plaintiff's arguments, in a brief of similar length, to be filed on or before November 21, 2014.

Accordingly, for the foregoing reasons, it is hereby

ORDERED that defendants shall file their response to plaintiff's Notice of Supplemental Authority [Dkt. No. 125] on or before November 21, 2014.

SO ORDERED.

DATE: November 6, 2014

/s/_____
PAUL L. FRIEDMAN
United States District Judge