

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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MARYANNE L. COWART, *et al.*,

Plaintiffs,

v.

THE CITY OF EAU CLAIRE, WISCONSIN,  
a governmental entity, *et al.*,

Defendants.

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ORDER

07-cv-410-bbc

On May 27, 2008, plaintiffs moved for leave to file a surreply in opposition to defendants' motion for summary judgment. Section IV of the court's procedure governing summary judgment states that "A responding party shall not file a surreply without first obtaining permission from the court. The court only permits surreplies in rare, unusual situations." *See* Attachment to dkt. 23. The circumstances undergirding plaintiffs' request for leave do not qualify as rare or unusual.

Defendants bear the burden of persuasion on their motion so they are entitled to the last word. This court will hold all parties to the requirements of its summary judgment procedure and will determine for itself whether defendants' reply is proper. There is nothing in plaintiffs' surreply that would help the court reach the correct outcome on the pending motion. Therefore, plaintiff's motion for leave to file a surreply is DENIED.

Entered this 28<sup>th</sup> day of May, 2008.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge