

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

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WDH LLC,

Plaintiff,

v.

ROBERT SOBCZAK-SLOMCZEWSKI,

Defendant.

ORDER

10-cv-741-wmc

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The parties have completed briefing plaintiff WDH LLC's motion for summary judgment. Now defendant has filed a motion for an extension of time to file a sur-reply brief in order to respond to "the new allegations, documents and affidavits attached [to] Plaintiff['s] Reply Brief." I will construe this submission as including a motion for leave to file a sur-reply. However, I will deny both motions. Under this court's Procedure to be Followed on Motions for Summary Judgment, a copy of which was included with the court's January 3, 2011 preliminary pretrial conference order, "[t]he court only permits sur-replies in rare, unusual situations." Defendant fails to explain why he considers this case to present such rare situation. Defendant can be assured that the court will not consider any materials that actually were improperly submitted as part of plaintiff's reply. (It is up to the court, however, to make that determination).

IT IS ORDERED that defendant's motion for leave to file a sur-reply and motion for an extension of time to file that sur-reply, dkt. 51, is DENIED.

Entered this 28th day of December, 2011.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge

