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Attorney for Plaintiff

MARC J. RANDAZZA, JENNIFER RANDAZZA, and NATALIA RANDAZZA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MARC J. RANDAZZA, an individual,)	Case No. 2:12-cv-02040
JENNIFER RANDAZZA, an individual, and)	
NATALIA RANDAZZA, a minor,)	PLAINTIFFS' MOTION TO STRIKE
)	DEFENDANT CRYSTAL COX'S
Plaintiffs,)	FUGITIVE SURREPLY TO MOTION
)	FOR PRELIMINARY INJUNCTION
vs.)	PURSUANT TO LR 7-2
)	
CRYSTAL COX, an individual, and ELIOT)	
BERNSTEIN, an individual,)	
)	
Defendants.)	

Plaintiffs Marc J. Randazza, Jennifer Randazza, and Natalia Randazza, a minor, through counsel, hereby move to strike Defendant Crystal Cox's Reponse to Reply in Support of Plaintiffs' Motion for Preliminary Injunction (the "Surreply," ECF #30).

On December 14, 2012, this Court issued an Order granting Plaintiffs' Motion for Temporary Restraining Order ("TRO," ECF #14). The TRO specified that responses to the Motion for Preliminary Injunction were due by December 28, 2012 and replies were due by January 4, 2013. Defendant Cox did not file her opposition to the Motion for Preliminary Injunction on December 28, 2012 and had not yet filed her response to the Motion for Preliminary Injunction by the close of business on the reply due date, January 4. In an abundance of caution, Plaintiffs filed their reply at approximately 6:11 p.m. PST on the day that it was due. (ECF #28). Defendant Cox

1 finally electronically filed her opposition at approximately 8:22 p.m. PST on January 4, one week
 2 past the clear and unambiguous due date provided to her by the Court (ECF #29). Defendant Cox
 3 then filed a fugitive "Reply to Response" to the Motion at approximately 7:56 p.m. January 5,
 4 2013. (ECF #30).

5 LR 7-2 provides only for motions, responses, and replies. The Surreply Defendant Cox
 6 filed is beyond the scope of the rule, and she did not request, nor receive, leave from this Court to
 7 file the document. Accordingly, the Court should strike the Surreply as a fugitive filing. Plaintiffs
 8 ask the Court to enter appropriate relief in view of the foregoing.

9
 10 Dated: January 6, 2013

Respectfully submitted,

11 /s/Ronald D. Green

Ronald D. Green, NV Bar #7360

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15 **CERTIFICATE OF SERVICE**

16
 17 Pursuant to the Federal Rules of Civil Procedure 5(b), I hereby certify that the foregoing
 18 document was filed using this Court's CM/ECF system on January 6, 2013.

19 Dated: January 6, 2013

Respectfully Submitted,

20
 21 

22 Laura M. Tucker

Law Clerk

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