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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 CYRIL DAVID DANIEL ORAM, JR.,

11 Plaintiff,

12 v.

13 ROBERT WILKIE, et al.,

14 Defendants.  
15

Case No. C21-75RSM

ORDER DENYING MOTIONS FOR  
RECONSIDERATION

16 This matter comes before the Court on Plaintiff's Motions for Reconsideration. Dkts.  
17 #29 and #30. In these Motions, Plaintiff argues that the Court erred in issuing a Minute Order  
18 striking his Motion to Strike Reply, Dkt. #27. That Minute Order stated:

19  
20 By local rule, requests to strike material contained in or attached to  
21 submissions of opposing parties shall not be presented in a separate  
22 motion to strike, but shall instead be included in the responsive  
23 brief, and will be considered with the underlying motion. LCR  
24 7(g). The single exception to this rule is for requests to strike  
25 material contained in or attached to a reply brief, in which case the  
26 opposing party may file a surreply requesting that the court strike  
27 the material. However, before filing a surreply, a notice of intent to  
28 file a surreply must be filed. LCR 7(g)(1). The surreply "shall be  
strictly limited to addressing the request to strike" and "extraneous  
argument... will not be considered." LCR 7(g)(2). The surreply  
shall not exceed three pages. LCR 7(g)(3). Plaintiff has filed a  
Motion to strike a reply brief without filing a notice, the filing  
includes extraneous argument, and it exceeds three pages.  
Accordingly, the Court STRIKES this Motion as procedurally

1 improper and will not consider it. No further briefing on the  
2 parties' Motions for Summary Judgment is permitted without leave  
of the Court.

3 Dkt. # 28. Plaintiff now cites to Local Civil Rule 7(g)(5), which states:

4 This rule does not limit a party's ability to file a motion to strike  
5 otherwise permitted by the Federal Rules of Civil Procedure,  
6 including Fed. R. Civ. P. 12(f) motions to strike material in  
pleadings. The term "pleadings" is defined in Fed. R. Civ. P. 7(a).

7 Plaintiff apparently argues that he was moving to strike material in pleadings, not filing a  
8 surreply. *See* Dkts. #29 and #30.

9 Motions for reconsideration are disfavored. The court will ordinarily deny such motions  
10 in the absence of a showing of manifest error in the prior ruling or a showing of new facts or  
11 legal authority which could not have been brought to its attention earlier with reasonable  
12 diligence. LCR 7(h)(1).

13 Plaintiff's Motion to Strike, Dkt. #27, was not aimed at striking material contained in  
14 pleadings as defined by Fed. R. Civ. P. 7(a). He was moving to strike material contained in  
15 Defendant's Reply brief in support of its Motion for Summary Judgment. Plaintiff conflates  
16 answers and motions for summary judgment, but they are distinct types of filings. The briefing  
17 submitted in support of a motion is not a pleading. Accordingly, Local Civil Rule 7(g)(5) does  
18 not apply to this situation. Plaintiff has not otherwise demonstrated manifest error or a showing  
19 of new facts or legal authority.

20 Accordingly, the Court hereby finds and ORDERS that Plaintiff's Motions for  
21 Reconsideration, Dkts. #29 and #30, are DENIED.

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DATED this 29<sup>th</sup> day of July, 2021.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

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