UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

Riky Alexis Morales Lopez, Petitioner, v. Todd Blanche, *et al.*, Respondents.	Case No.0:26-cv-01429-JRT-JFD

PETITIONER'S MEMORANDUM OF LAW IN OPPOSITION TO RESPONDENTS' MOTION TO STRIKE

Respondents' Motion to Strike or in the Alternative Motion for a Sur-Reply should be denied. ECF No. 51.

Respondents' purported basis to strike the second Rissman Declaration, ECF No. 50, is that it was served with the Reply brief. Respondents' baseless contention that a declaration can never be served with a reply brief under Rule 6(c)(2) is directly contradicted by Local Rule 7.1(b)(2). The 1999 Advisory Committee notes to Local Rule 7.1(b)(2) contemplate that a declaration may be filed with a Reply: "Reply affidavits are appropriate only when necessary to address factual claims of the responding party that were not reasonably anticipated." *Beveridge v. Nw. Airlines, Inc.*, 259 F. Supp. 2d 838, 846 (D. Minn. 2003). The Rissman Declaration responds directly to Respondents' contention that excessive time was spent dealing with Respondents' non-compliance with Court orders, and describes the time dedicated to drafting the reply, which by definition, directly responds to Respondents' arguments. *See Beveridge*, 259 F. Supp. 2d at 846

(declining to strike reply affidavit that was directly responsive to the defendants' contentions).

Respondents' alternatively request a sur-reply but include no argument or justification. Sur-replies are "viewed with disfavor." *Cornice & Rose Int'l, LLC v. Four Keys, LLC*, 76 F.4th 1116, 1123 (8th Cir. 2023). Respondents' failure to attempt to meet their heavy burden to justify their request dooms their motion. The alternative request to file a sur-reply should be denied.

Dated: June 30, 2026

Respectfully submitted,

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