

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Senior Judge Wiley Y. Daniel**

Civil Action No. 18-cv-02074-WYD-STV

MASTERPIECE CAKESHOP INCORPORATED, a Colorado corporation; and  
JACK PHILLIPS,

Plaintiffs,

v.

AUBREY ELENIS, Director of the Colorado Civil Rights Division, in her official and individual capacities;  
ANTHONY ARAGON, as member of the Colorado Civil Rights Commission, in his official capacity;  
MIGUEL "MICHAEL" RENE ELIAS, as member of the Colorado Civil Rights Commission, in his official capacity;  
CAROL FABRIZIO, as member of the Colorado Civil Rights Commission, in her official capacity;  
CHARLES GARCIA, as member of the Colorado Civil Rights Commission, in his official capacity;  
RITA LEWIS, as member of the Colorado Civil Rights Commission, in her official capacity;  
JESSICA POCOCK, as member of the Colorado Civil Rights Commission, in her official capacity;  
AJAY MENON, as member of the Colorado Civil Rights Commission, in his official capacity; and  
PHILIP WEISER, Colorado Attorney General, in his official capacity,

Defendants.

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**MINUTE ORDER**

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ORDER ENTERED BY SENIOR JUDGE WILEY Y. DANIEL

This matter is before the Court on Defendants' Motion to Strike Plaintiffs' Reply in Support of Amended Motion for Preliminary Injunction and Accompanying Attachments and Motion to Expedite Briefing Schedule (ECF No. 129), filed on February 25, 2019. The Motion argues the documents attached to Plaintiffs' reply brief should be stricken because attaching evidentiary documents violates my Order on Briefing Schedule (ECF No. 102) and is contrary to the usual practice of forbidding the presentation of new evidentiary material for the first time in a reply. The Order on Briefing Schedule was silent as to whether Plaintiffs could attach evidentiary documents to their reply brief.

Consequently, the attachment of those documents does not expressly violate that order. And because Plaintiffs' Amended Motion for Preliminary Injunction (ECF No. 104) will be ruled on after an evidentiary hearing, Defendants are not prejudiced by the documents attached to the reply.

Accordingly, Defendants' Motion (ECF No. 129) is **GRANTED IN PART AND DENIED IN PART**. The Motion is **GRANTED** as to the request for expedited consideration by the Court. The Motion is **DENIED** as to the request that Plaintiffs' reply and the materials attached thereto be stricken and as to the request that Defendants be allowed leave to file a sur-reply. Defendants may present any rebuttal evidence and argument at the preliminary injunction hearing.

Dated: February 26, 2019.