

The Honorable Robert J. Bryan

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

C.P., by and through his parents, Patricia
Pritchard and Nolle Pritchard, individually and
on behalf of others similarly situated; and
PATRICIA PRITCHARD,

Plaintiffs,

v.

BLUE CROSS BLUE SHIELD OF ILLINOIS,

Defendant.

NO. 3:20-cv-06145-RJB

PLAINTIFF CLASS’S MOTION TO
STRIKE DEFENDANT’S RESPONSE TO
NOTICE OF SUPPLEMENTAL
AUTHORITY [Dkt. No. 139]

**Noted for Consideration:
December 23, 2022**

Plaintiff Class hereby moves to strike Defendant’s Response to the Class’s Notice of Supplemental Authority (Dkt. No. 139). Local Civil Rule 7(n) authorizes the submission of relevant authority issued after the date the party’s last brief was filed. Such notice must be submitted without argument. The Local Civil Rules do not authorize any responsive pleading.

The Class fully complied with the requirements of the Local Civil Rule when submitting the Notice of Supplemental Authority without any argument. Nonetheless, Defendant Blue Cross Blue Shield of Illinois filed a “responsive brief” that contains extensive extraneous argument. Dkt. No. 139. This brief is an improper surreply and should be stricken. *See* LCR 7(g)(2).

1 DATED: December 8, 2022.

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[PROPOSED]
ORDER STRIKING DEFENDANT’S
RESPONSE TO NOTICE OF
SUPPLEMENTAL AUTHORITY
[Dkt. No. 139]

**Noted for Consideration:
December 23, 2022**

This matter came before the Court on Plaintiff Class’s Motion to Strike Defendant’s Response to Notice of Supplemental Authority (Dkt. No. 139). The Plaintiff Class was represented by Eleanor Hamburger and Daniel S. Gross of Sirianni Youtz Spoonemore Hamburger PLLC, and Omar Gonzalez-Pagan and Jennifer C. Pizer of Lambda Legal Defense and Education Fund, Inc. Defendant Blue Cross Blue Shield of Illinois was represented by Gwendolyn C. Payton, John R. Neeleman and Stephanie N. Bedard of Kilpatrick Townsend & Stockton LLP.

The Court reviewed and considered the pleadings and record herein, and for good cause shown, the Court hereby GRANTS the Plaintiff Class’s Motion to Strike Docket No. 139.

1 IT IS HEREBY ORDERED that Defendant's Response to Notice of Supplemental
2 Authority is stricken.

3 DATED this _____ day of December, 2022.

4
5 _____
6 ROBERT J. BRYAN
United States District Judge

7 Presented by:

8 SIRIANNI YOUTZ
9 SPOONEMORE HAMBURGER PLLC

10 /s/ Eleanor Hamburger

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11 LAMBDA LEGAL DEFENSE AND EDUCATION FUND, INC.

12 /s/ Omar Gonzalez-Pagan

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