

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Inge Van Hees v. BAM Trading Service, Inc.

Van Hees v. BAM Trading Service, Inc. · No. 25-cv-05685-JST · Decided October 29, 2025

SUMMARY

The United States District Court for the Northern District of California denied Plaintiff Inge Van Hees’s motion for leave to file a sur-reply in opposition to BAM Trading Service, Inc.’s motion. The Court concluded that BAM Trading’s reply did not improperly raise new arguments or otherwise warrant additional briefing.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	October 29, 2025
DOCKET	25-cv-05685-JST
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a sur-reply addressing alleged new factual and legal arguments in Defendant's reply brief.
STANDARD OF REVIEW	Discretionary review of whether to permit a sur-reply.
PRECEDENTIAL VALUE	Unknown; district court order

TOPICS

- civil procedure
- commercial litigation

PRACTICE AREAS

- Civil procedure
- Commercial litigation

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave to file a sur-reply based on alleged new factual and legal arguments in Defendant's reply brief.

HOLDINGS

1. Parties do not have an automatic right to file sur-replies; a court may allow one in its discretion when a valid reason for additional briefing exists, such as when new arguments are raised in a reply.

KEY QUOTATIONS

“Parties do not have the right to file sur[-]replies and . . . [t]he Court generally views motions for leave to file a sur[-]reply with disfavor.” (at 1)

“Although the court may in its discretion permit the filing of a sur-reply, this discretion should be exercised in favor of allowing a sur-reply only where a valid reason for such additional briefing exists, such as where the movant raises new arguments in its reply brief.” (at 1)

FACTUAL BACKGROUND

The dispute concerned whether BAM Trading Service's reply brief raised new factual or legal arguments requiring additional briefing. The court concluded that the reply addressed arguments raised in response to Van Hees's opposition and that no circumstances warranted a sur-reply.

PROCEDURAL HISTORY

Van Hees filed a motion for leave to file a sur-reply. BAM Trading Service opposed the motion, arguing that its reply raised no improper new arguments and that Van Hees had not shown good cause. The district court denied leave to file the sur-reply.

DISPOSITION

other

CASES CITED

- *Garcia v. Biter*, 195 F. Supp. 3d 1131, 1133–34 (E.D. Cal. 2016)
- *Hill v. England*, No. CVF05869 REC TAG, 2005 WL 3031136, at *1 (E.D. Cal. 2005)
- *Warren v. City of Chico*, No. 2:21-CV-00640-DAD-DMC, 2024 WL 4803960, at *1 (E.D. Cal. Nov. 15, 2024)
- *Suspension Assemblies Antitrust Litig.*, No. 19-MD-02918-MMC, 2023 WL 1934491, at *1 (N.D. Cal. Jan. 6, 2023)