

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

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
INGE VAN HEES, Case No. 25-cv-05685-JST 8 Plaintiff, ORDER DENYING MOTION FOR 9
v. LEAVE TO FILE SUR-REPLY 10 BAM TRADING SERVICE, INC., Re: ECF No. 39
Defendant. 11 12 13 Before the Court is Plaintiff Inge Van Hees’ motion for leave to file a sur-
reply to 14 “address[] new factual and legal arguments first raised in Defendant’s Reply.” ECF
No. 39 at 1.

15 Defendant BAM Trading Service, Inc. opposes the motion on the grounds that its opposition 16
contained no improperly new arguments and that Van Hees’s motion fails to show good cause. 17
ECF No. 44 at 2. 18 “Parties do not have the right to file sur[-]replies and... [t]he Court generally
views 19 motions for leave to file a sur[-]reply with disfavor.” *Garcia v. Biter*, 195 F. Supp. 3d
1131, 20 1133–34 (E.D.

Cal. 2016) (citing *Hill v. England*, No. CVF05869 REC TAG, 2005 WL 3031136, 21 at *1 (E.D.
Cal. 2005)). “Although the court may in its discretion permit the filing of a sur-reply, 22 this
discretion should be exercised in favor of allowing a sur-reply only where a valid reason for 23
such additional briefing exists, such as where the movant raises new arguments in its reply brief.”
24 *Warren v. City of Chico*, No. 2:21-CV-00640-DAD-DMC, 2024 WL 4803960, at *1 (E.D.

Cal. 25 Nov. 15, 2024) (citation and quotation omitted). 26 The Court agrees with BAM Trading
that no circumstances here warrant a sur-reply. 27 BAM Trading’s reply brief included either
arguments that were raised in response to Van Hees’ 1 Suspension Assemblies Antitrust Litig., No.
19-MD-02918-MMC, 2023 WL 1934491, at *1 (N.D. 2 || Cal. Jan. 6, 2023) (denying plaintiff’s
motion for leave to file sur-reply because defendant’s reply 3 only addressed arguments and
evidence cited in the opposition brief).

4 For the foregoing reasons, the Court denies Van Hees’ request for leave to file a motion for 5 a
sur-reply. 6 Dated: October 29, 2025 JON S. TIGAR 8 United States District Judge 9 10 11 12 15
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