

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
MICHIGAN

Corey Chrivia v. Katlin Reed, et al.

No. 25-11174, United States District Court for the Eastern District of Michigan (December 4, 2025)

SUMMARY

The court grants defendants’ motion to strike plaintiff Corey Chrivia’s sur-reply to their motion for summary judgment. The court concludes that Chrivia neither sought leave to file the sur-reply nor showed good cause, and orders the sur-reply stricken.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Elizabeth A. Stafford
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	December 4, 2025
DOCKET	25-11174
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff filed a sur-reply to defendants' motion for summary judgment. Defendants moved to strike the sur-reply, and the magistrate judge granted the motion.
STANDARD OF REVIEW	Objections to a magistrate judge's ruling on a non-dispositive motion may be sustained only if the ruling is clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status not indicated.

TOPICS

- civil procedure
- summary judgment
- pleadings

PRACTICE AREAS

- civil procedure
- federal civil litigation

QUESTIONS PRESENTED

1. Whether the plaintiff's sur-reply should be stricken when he filed it without leave, failed to show good cause, and did not address new arguments or evidence in the opposing party's reply.

HOLDINGS

1. A non-moving party has no right to file a sur-reply; a party seeking to file one must obtain leave of court and demonstrate good cause.
2. The defendants' motion to strike was granted, and the plaintiff's sur-reply was stricken.

KEY QUOTATIONS

“The general rule is that a non-moving party has no right to respond to a reply brief, and thus the applicable local rule does not allow for a sur- reply.”

“Thus, the party wishing to file a sur-reply must file a motion for leave that sets forth “good cause.””

FACTUAL BACKGROUND

Plaintiff Corey Chrivia filed a sur-reply in connection with defendants' motion for summary judgment. He did not seek leave to file the sur-reply and did not respond to defendants' motion to strike, despite a court order requiring a response. The sur-reply did not address any new argument raised in defendants' reply brief.

PROCEDURAL HISTORY

Corey Chrivia, proceeding pro se, filed a sur-reply to defendants' motion for summary judgment. Defendants moved to strike the sur-reply. Chrivia did not respond to the motion to strike despite being ordered to do so. The court granted the motion and ordered the sur-reply stricken.

DISPOSITION

other

CASES CITED

- Scottsdale Ins. Co. v. Flowers, 513 F.3d 546, 553 (6th Cir. 2008)
- Liberty Legal Found. v. Nat'l Democratic Party of the USA, Inc., 875 F. Supp. 2d 791, 797 (W.D. Tenn. 2012)
- NCMIC Ins. Co. v. Smith, 375 F. Supp. 3d 831, 835 (S.D. Ohio 2019)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION COREY CHRIVIA, Case No. 25-11174 Plaintiff, Honorable Denise Page Hood Magistrate Judge Elizabeth A. Stafford v. KATLIN REED, et al., Defendants. ORDER GRANTING DEFENDANTS’ MOTION TO STRIKE (ECF NO. 33) Plaintiff Corey Chrivia, proceeding pro se, filed a sur-reply to defendants’ motion for summary judgment and defendants move to strike it.

ECF No. 31; ECF No. 33. Chrivia did not respond to defendants' motion to strike, even though the Court ordered him to do so. ECF No. 34. The general rule is that a non-moving party has no right to respond to a reply brief, and thus the applicable local rule does not allow for a sur-reply. *Scottsdale Ins. Co. v. Flowers*, 513 F.3d 546, 553 (6th Cir. 2008); E.D.

Mich. LR 7.1. Because the moving party is entitled to the last word on the matter, sur-replies are highly disfavored when the moving "party's reply did not raise any new legal arguments or introduce new evidence." *Liberty Legal Found. v. Nat'l Democratic Party of the USA, Inc.*, 875 F. Supp. 2d 791, 797 (W.D. Tenn. 2012).

Thus, the party wishing to file a sur-reply must file a motion for leave that sets forth "good cause." *NCMIC Ins. Co. v. Smith*, 375 F. Supp. 3d 831, 835 (S.D. Ohio 2019). Here, Chrivia has filed no motion for leave and his sur-reply does not address any new argument raised in defendants' reply brief.

Thus, Chrivia has not shown good cause for filing a sur-reply. As such, the Court GRANTS defendants' motion to strike (ECF No. 33) and ORDERS that Chrivia's sur-reply be STRICKEN (ECF No. 31). s/Elizabeth A. Stafford ELIZABETH A. STAFFORD Dated: December 4, 2025 United States Magistrate Judge NOTICE TO PARTIES ABOUT OBJECTIONS Within 14 days of being served with this order, any party may file objections with the assigned district judge.

Fed. R. Civ. P. 72(a). The district judge may sustain an objection only if the order is clearly erroneous or contrary to law. 28 U.S.C. § 636. "When an objection is filed to a magistrate judge's ruling on a non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge." E.D. Mich. LR 72.2.

CERTIFICATE OF SERVICE The undersigned certifies that this document was served on counsel of record and any unrepresented parties via the Court's ECF System to their email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on December 4, 2025. s/Davon Allen DAVON ALLEN Case Manager