

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF KANSAS

Murray v. Westlake Portfolio Management, LLC

Murray · No. 2:25-CV-02443-JAR-BGS · Decided February 25, 2026

SUMMARY

The United States District Court for the District of Kansas grants Timothy Murray’s motion for leave to file a surreply in an action alleging violations of the Fair Debt Collection Practices Act. The court finds that Defendant’s subsequently filed exhibits introduced material to which Plaintiff should have an opportunity to respond. The surreply is permitted under the circumstances, and the court will consider it in ruling on Defendant’s motion to compel arbitration.

CASE DETAILS

COURT	United States District Court for the District of Kansas
WRITING FOR THE COURT	Julie A. Robinson
JURISDICTION	United States District Court for the District of Kansas
DECIDED	February 25, 2026
DOCKET	2:25-CV-02443-JAR-BGS
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a surreply in connection with Defendant's motion to compel arbitration.
PRECEDENTIAL VALUE	Unpublished federal district court memorandum and order; precedential status not specified.
PARTIES	Timothy Murray v. Westlake Portfolio Management, LLC

TOPICS

- arbitration
- civil procedure

PRACTICE AREAS

- civil procedure
- consumer protection
- arbitration

QUESTIONS PRESENTED

1. Whether Plaintiff should be granted leave to file a surreply addressing exhibits Defendant filed after Plaintiff submitted his response to the motion to compel arbitration.

HOLDINGS

1. Leave to file a surreply should be granted where the nonmoving party needs an opportunity to respond to new evidence or legal arguments submitted after its response, particularly when the court permitted the movant to file supporting materials after the response was filed.

KEY QUOTATIONS

“Surreplies require leave of court and are only granted under “rare circumstances.”” (Memorandum and Order)

“The Court will be in a better position to rule on Defendant’s pending motion to compel arbitration with the benefit of both parties’ arguments concerning those exhibits.” (Memorandum and Order)

FACTUAL BACKGROUND

Timothy Murray brought an action alleging violations of the Fair Debt Collection Practices Act. Westlake moved to compel arbitration and later obtained permission to file exhibits that had been omitted from its original motion after Murray had already filed his response. Murray sought leave to file a brief surreply addressing those exhibits.

PROCEDURAL HISTORY

Defendant moved to compel arbitration but inadvertently omitted exhibits supporting its motion. After Plaintiff responded, Defendant obtained leave to file the omitted exhibits out of time. Plaintiff then moved for leave to file a surreply addressing the newly filed exhibits. The court granted Plaintiff's motion.

DISPOSITION

other

CASES CITED

- Cope v. Kan. State Bd. of Educ., 71 F. Supp. 3d 1233, 1238 (D. Kan. 2014)
- Taylor v. Sebelius, 350 F. Supp. 2d 888, 900 (D. Kan. 2004)
- Humphries v. Williams Nat. Gas Co., No. 96-4196-SAC, 1998 WL 982903, at *1 (D. Kan. Sept. 23, 1998)
- Green v. New Mexico, 420 F.3d 1189, 1196 (10th Cir. 2005)
- Beaird v. Seagate Tech., Inc., 145 F.3d 1159, 1164–65 (10th Cir. 1998)
- Doebele v. Sprint/United Mgmt. Co., 342 F.3d 1117, 1139 n. 13 (10th Cir. 2003)

OPINION

Murray

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

TIMOTHY MURRAY,
Plaintiff, v. Case No. 2:25-CV-02443-JAR-BGS
WESTLAKE PORTFOLIO MANAGEMENT,
LLC,
Defendant.

MEMORANDUM AND ORDER

Plaintiff Timothy Murray brings this action against Defendant Westlake Portfolio Management, LLC, alleging violations of the Fair Debt Collection Practices Act. Defendant moved to compel arbitration but inadvertently failed to attach the exhibits referenced in support of its motion.¹ Plaintiff then filed a response, noting Defendant's failure to attach the exhibits on which the motion relies.² After Plaintiff filed his response, Defendant moved for leave to file the omitted exhibits out of time.³ Because the omission appeared to be a purely clerical error, the Court granted Defendant's motion.⁴ The matter is now before the Court on Plaintiff's Motion for Leave to File a Surreply (Doc. 49), in which Plaintiff seeks to respond to the subsequently filed exhibits.

¹ Docs. 28, 29.

² Doc. 40.

³ Doc. 42.

⁴ Doc. 45.

"Under D. Kan. Rule 7.1(c), briefing on motions is limited to the motion (with memorandum in support), a response, and a reply. Surreplies typically are not allowed."⁵ Surreplies require leave of court and are only granted under "rare circumstances."⁶ When a party seeks leave to file a document that may not be filed as a matter of right, such as a surreply, that party must comply with D. Kan. Rule 15.1, which requires the filer to attach the proposed document to be filed. Here, Plaintiff has complied with Rule 15.1 by attaching the proposed surreply to its present motion.⁷ That said, the Court also recognizes that "the nonmoving party should be given an opportunity to respond to new material raised for the first time in the movant's reply,"⁸ or, as here, materials filed after Plaintiff filed his response. Alternatively, the Court may disregard new material in ruling on the underlying motion.⁹ New "material" includes both evidence and legal arguments.¹⁰ Here, the Court finds that the circumstances warrant granting Plaintiff leave to file a surreply. The Court permitted Defendant to file its exhibits only after Plaintiff had already responded to Defendant's motion to compel arbitration, and Plaintiff is entitled to an opportunity to address that evidence. Plaintiff's proposed surreply is brief, consisting of only four pages, and is largely limited to addressing Defendant's newly filed exhibits. The Court will be in a better

5 COPE v. Kan. State Bd. of Educ., 71 F. Supp. 3d 1233, 1238 (D. Kan. 2014) (citing Taylor v. Sebelius, 350 F. Supp. 2d 888, 900 (D. Kan. 2004)). 6 Id. (quoting Humphries v. Williams Nat. Gas Co., No. 96-4196-SAC, 1998 WL 982903, at *1 (D. Kan. Sept. 23, 1998)).

⁷ Doc. 49-1.

⁸ Green v. New Mexico, 420 F.3d 1189, 1196 (10th Cir. 2005) (citing Beaird v. Seagate Tech.,

Inc., 145 F.3d 1159, 1164 (10th Cir. 1998)). 9 Id. (citing Beaird, 145 F.3d at 1164–65). 10 Id. (citing Doebele v. Sprint/United Mgmt. Co., 342 F.3d 1117, 1139 n. 13 (10th Cir. 2003)). position to rule on Defendant’s pending motion to compel arbitration with the benefit of both parties’ arguments concerning those exhibits. For these reasons, Plaintiff’s motion is granted. IT IS THEREFORE ORDERED BY THE COURT that Plaintiff’s Motion for Leave to File a Surreply (Doc. 49) is granted. IT IS SO ORDERED. Dated: February 25, 2026 S/ Julie A. Robinson
JULIE A. ROBINSON
UNITED STATES DISTRICT JUDGE