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## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

	)	Case No.: CV-00-529-TUC-RCC
UNITED STATES OF AMERICA,	)	
	)	PLAINTIFF UNITED STATES
Plaintiff,	)	MOTION FOR LEAVE TO
	)	FILE A SURREPLY
V.	)	
	)	
LSL BIOTECHNOLOGIES, INC. et al.,	)	
	)	
Defendants.	)	
	)	

Pursuant to Local Rule 1.10, the United States -- the Plaintiff in this action -- hereby moves for leave to file the attached Surreply and Memorandum of Points and Authorities.

The Defendants filed a Motion to Dismiss this action on December 5, 2000; the United States submitted its Opposition on February 2, 2001; and the Defendants filed their Reply on March 20, 2001. In the Memorandum of Points and Authorities in support of their Reply, the Defendants raised several issues for the first time, relying on three cases not previously discussed in their Motion to Dismiss. Two of those cases, including one which the United States believes supports our position, were issued after the United States submitted its Opposition.

The United States seeks a fair opportunity to respond to the new cases cited by Defendants in their Reply. Accordingly, we request that the Court accept a brief Surreply and Memorandum of Points and Authorities for this purpose.

A proposed form of order accompanies this motion.

DATED this 23<sup>rd</sup> day of March, 2001.

## FOR PLAINTIFF UNITED STATES

"/s/"

Robert L. McGeorge

Tracey D. Chambers

Janet R. Urban

Andrew K. Rosa

John R. Read

Trial Attorneys

U.S. Department of Justice

**Antitrust Division** 

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

	Case No.: CV-00-529-TUC-RCC
UNITED STATES OF AMERICA,	) <b>PROPOSED ORDER FOR</b>
Plaintiff,	) LEAVE FOR PLAINTIFF ) UNITED STATES TO FILE
v.	) A SURREPLY
LSL BIOTECHNOLOGIES, INC., et al.,	)
Defendants.	) )
Upon motion of the United States, there be	eing no opposition from Defendants, and good
cause appearing,	
IT IS HEREBY ORDERED that the Unite	ed States has leave to submit a Surreply and
supporting Memorandum of Points and Authoritie	es in connection with the Defendants' Motion to
Dismiss.	
DATED this day of	, 2001.
HON. RANER C. O	
United States Distri	ict Judge

## **CERTIFICATE OF SERVICE**

I hereby certify that I have caused a copy of the foregoing document to be served on the following counsel for Defendants by first class mail, postage prepaid and facsimile transmission:

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"/s/" 3/23/01

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