

Robert L. McGeorge
D.C. Bar No. 91900
United States Department of Justice
325 Seventh Street, N.W., Suite 500
Washington, DC 20530
(202) 307-6361; (202) 307-2784 (fax)
Attorney for Plaintiff United States of America

**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. <i>et al.</i> ,)	
)	
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 23rd 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**

UNITED STATES OF AMERICA,)	Case No.: CV-00-529-TUC-RCC
)	
Plaintiff,)	PROPOSED ORDER FOR
)	LEAVE FOR PLAINTIFF
v.)	UNITED STATES TO FILE
)	A SURREPLY
)	
LSL BIOTECHNOLOGIES, INC., <u>et al.</u> ,)	
)	
Defendants.)	
)	

Upon motion of the United States, there being no opposition from Defendants, and good cause appearing,

IT IS HEREBY ORDERED that the United States has leave to submit a Surreply and supporting Memorandum of Points and Authorities in connection with the Defendants' Motion to Dismiss.

DATED this ____ day of _____, 2001.

HON. RANER C. COLLINS
United States District Judge

