UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS

FEDERAL TRADE COMMISSION, and STATE OF ARKANSAS, *ex rel.* LESLIE RUTLEDGE, ATTORNEY GENERAL, Plaintiffs, v. BINT OPERATIONS LLC, a limited liability company, LASHONDA MOORE, individually and as an officer of BINT OPERATIONS LLC, and MARLON DEANDRE MOORE, formerly known as MARLON DEANDRE MAIDEN, individually and as an officer of BINT OPERATIONS LLC, Defendants.	Case No. 4:21-cv-00518-KBG **PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION FOR LEAVE TO FILE A REPLY TO PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION AND IMPROPER VENUE, OR, IN THE ALTERNATIVE, MOTION TO TRANSFER VENUE**

Defendants' Motion for Leave to File a Reply fails to justify a departure from the Local Rules. As such, the Court should deny the Motion.

The Local Rules provide that a party may file a reply brief only in limited circumstances.[1] Although the Court may deviate from this general rule where appropriate, Defendants Motion fails to establish doing so is warranted here. Defendants claim they should be allowed a reply brief because Plaintiffs' Opposition "raises numerous issues that Defendants wish to address in a reply."[2] But Defendants fail to identify what these issues are or why a reply is necessary to

[1] *See generally* L.R. 7.2.

[2] Doc. 13 at 2.

ensure "that justice may be done."[3] Such vague and rote statements do not constitute good cause.

While Defendants may wish to have the last word on their Motion to Dismiss, justice does not require that they receive that accommodation. Defendants had ample opportunity to brief these issues in their Motion.[4] This is particularly true here, given that Defendants were granted additional time to research and draft their Motion to Dismiss.[5] Moreover, the issues have already been sufficiently briefed, and Plaintiffs did not raise novel issues of law in its Opposition.[6] Therefore, Defendants reply would not serve this Court in properly disposing of Defendants' Motion but only delay its review of the Motion and, in turn, discovery in this matter.[7] Moreover, Plaintiffs have filed this case seeking monetary and equitable relief for consumers harmed by Defendants' pyramid scheme.[8] These consumers would also be prejudiced by Defendants' requested delay. For these reasons, Defendants' Motion should be denied.

Respectfully submitted,

Dated: August 24, 2021

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[3] *See id.*

[4] *See Sykes v. Harold John Klemp & Eckankar*, No. 19-cv-2154, 2020 U.S. Dist. LEXIS 181097, at *33 (D. Minn. July 15, 2020) (denying a motion for leave to file a surreply because the moving party already "had ample opportunity to make his arguments").

[5] *See* Doc. 9 (Order granting motion for extension of time).

[6] *See Lafarge N. Am., Inc. v. Discovery Group LLC*, No. 05-1110, 2010 U.S. Dist. LEXIS 58437, at *3 (W.D. Mo. June 14, 2010) (denying a motion for leave to file a surreply because "the Court already has enough information before it in order to make a decision").

[7] Defendants waited until five days after Plaintiffs' filed its Opposition to seek leave and now request an additional seven days. *See* Doc. 13 at 2.

[8] *See* Doc. 1 at 30.

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CERTIFICATE OF SERVICE

The undersigned certifies that on August 24, 2021, a true and correct copy of the foregoing document was electronically filed with the clerk of the U.S. District Court, Eastern District of Arkansas, using the electronic case filing system of the court. The attorneys listed below were served by pursuant to the ECF notice generated by the Court.

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