

**SUPERIOR COURT OF THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

**MICHAEL E. MANN, Ph.D.,  
Plaintiff,**

**v.**

**NATIONAL REVIEW, INC., *et al.*,  
Defendants.**

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**2012 CA 008263 B  
Judge Jennifer M. Anderson  
Civil I, Calendar 3**

**ORDER DENYING PLAINTIFF’S MOTION FOR LEAVE TO FILE  
REPLY BRIEFS IN SUPPORT OF MOTION TO RECONSIDER THE  
COURT’S MARCH 19, 2021 ORDER AND MEMORANDUM IN SUPPORT**

The matter before the Court is upon the consideration of Plaintiff Michael Mann’s Motion for Leave to File Reply Briefs in Support of Motion to Reconsider the Court’s March 19, 2021 Order, filed on April 30, 2021; Defendant National Review Inc.’s Opposition to Plaintiff’s Motion for Leave to File Reply Brief in Support of Motion to Reconsider the Court’s March 19, 2021 Order, filed on May 10, 2021; and Defendant Competitive Enterprise Institute’s Opposition to Plaintiff’s Motion for Leave to File Reply Brief in Support of Motion to Reconsider the Court’s March 19, 2021 Order, filed on May 10, 2021.

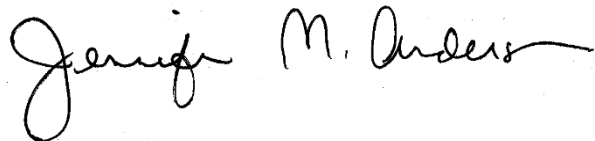
Superior Court Civil Rule 12-I(g) permits a rely to the opposition, as a matter of right, only on the motions enumerated in the rule: motions for summary judgment, motions to dismiss for failure to state a claim, motions to strike expert testimony, and motions for judgment on the pleadings. Whether to grant or deny leave to file an additional filing that is not permitted in the rules is entrusted to the sound discretion of the trial court. *Sevier v. Lowenthal*, 302 F. Supp. 3d 312, 324 (D.D.C. 2018). In exercising its discretion, the trial court primarily considers whether the opposing party raised arguments or issues for the first time in its response, whether the reply would be helpful to the resolution of the pending motion, and whether the opposing party would be unduly prejudiced were leave to be granted. *Banner Health v. Sebelius*, 905 F. Supp. 2d 174,

187 (D.D.C. 2012). Additional briefing is generally disfavored, especially where it serves only to amplify an issue already addressed. *Glass v. Lahood*, 786 F. Supp. 2d 189, 231 (D.D.C. 2011). Where the opposing party's response does not expand the scope of the issues presented, leave to file an additional filing will seldom be appropriate. *Crummey v. Soc. Sec. Admin.*, 794 F. Supp. 2d 46, 63 (D.D.C. 2011).

The Court finds that Defendant Nation Review did not expand the scope of issues presented in its Opposition. Rather Nation Review addressed the arguments raised by Plaintiff and reiterated its prior position outlined in its Motion for Summary Judgment. Further, the parties have had adequate opportunity to present their respective positions and arguments both in the initial motion and opposition as well as the motion to reconsider and opposition, which has allowed the Court to resolve the motion to reconsider. Therefore, additional filing is not helpful and will not be considered.

Accordingly, it is this \_\_\_ day of June 2020 hereby

**ORDERED** that Plaintiff's Motion for Leave to File Reply Briefs in Support of Motion to Reconsider the Court's March 19, 2021 Order is **DENIED**.



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Judge Jennifer M. Anderson  
*Signed in Chambers*

**Copies to:**

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