

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

BRIAN WRENN, *et al.*,

Plaintiffs

v.

DISTRICT OF COLUMBIA, *et al.*,

Defendants

Civil Action No. 15-162 (CKK)

ORDER

(February 26, 2016)

The parties have filed renewed briefing on the motion for preliminary injunction pursuant to the schedule previously set by Court. In their reply, Plaintiffs raise the issue of res judicata with respect to *Palmer v. District Columbia*, 09-CV-1482 (FJS). *See* Pl.’s Reply, ECF No. 51, at 8-10. Because Plaintiffs did not raise this argument in their motion for preliminary injunction, Defendants have not yet had an opportunity to respond to it.

The Court could refrain from entertaining this argument because it has been raised for the first time in their reply. *See Lewis v. D.C.*, 791 F. Supp. 2d 136, 139 (D.D.C. 2011) (“ ‘[I]t is a well-settled prudential doctrine that courts generally will not entertain new arguments first raised in a reply brief.’ ”) (citation omitted). However, the Court concludes that it is best to consider the merits of this argument. Therefore, the Court will provide Defendants—and amici, if they so choose—an opportunity to file a sur-reply on the question of res judicata.

Accordingly, Defendants shall file a sur-reply—limited to the question of res judicata—of no more than 10 pages by no later than **close of business on Wednesday, March 2, 2016**. Amici that filed in this case previously may file a response, as well, if they so choose.

SO ORDERED.

/s/

COLLEEN KOLLAR-KOTELLY
United States District Judge