



in the very first sentence of Defendants' Motion for Leave to File Surreply – because this Court gave Hamed the opportunity to address a glaring omission in his Opposition to Defendants' Motion to Disqualify Counsel by submitting “new evidence . . . to which Defendants have had no opportunity to respond.” If Hamed had included Attorney Seila's seven page, 42 paragraph declaration in his original Opposition to the Motion to Disqualify, obviously, Defendants would have had an opportunity to address the legal implications of that declaration in their initial Reply. Since Defendants were not given that opportunity, it is respectfully submitted that they should be given that opportunity now in the form of a surreply.

Hamed next claims that “if the Defendants are given leave to file a sur-reply, Hamed should be given an opportunity to respond to it.” This is simply Hamed's improper attempt to appropriate the “last word” when he is not entitled to it. Rule 6-1(c) of the Virgin Islands Rules of Civil Procedure provides:

Only a motion, a response in opposition, and a reply may be served on other parties and filed with the court; further response or reply may be made only by leave of court obtained before filing. Parties may be sanctioned for violation of this limitation.

“Generally, the parties are expected to succinctly address their arguments in three filings – a motion, a response and a reply – or less, if possible.” *Der Weer v. Hess Oil V.I. Corp.*, 64 V.I. 107, 120 (Super. Ct. 2016) (internal quotations, brackets and citation omitted). Here, the Court *sua sponte* gave Hamed an opportunity to supplement his Opposition to the Motion to Disqualify with a declaration that should have been submitted with his original Opposition. While Defendants should certainly be given the opportunity to file a Surreply to address the Seila declaration, Hamed should not be allowed to respond because that would give the nonmovant the “last word” when Defendants, as movants, should have that opportunity. Otherwise, the briefing cycle would never end.

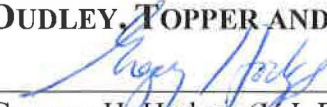
For all of the foregoing reasons, Defendants respectfully request this Court to give them leave to file a Surreply to address the Robin Seila declaration, to which Hamed should be precluded from responding.

Respectfully submitted,

**DUDLEY, TOPPER AND FEUERZEIG, LLP**

**DATED:** February 14, 2018

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**CERTIFICATE OF SERVICE**

It is hereby certified that on this 14<sup>th</sup> day of February, 2018, I served a true and correct copy of the foregoing **Reply To Hamed's Response To Motion For Leave To File Surreply To Address The Declaration Of Robin Seila, Esq.**, which complies with the page or word limitations set forth in Rule 6-1(e), via e-mail addressed to:

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