

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

FAZZINO INVESTMENTS, LP,

Plaintiff,

v.

**BRAZOS VALLEY GROUNDWATER
CONSERVATION DISTRICT,**

Defendant,

CASE NO. 6:25-CV-00001-ADA-DTG

ORDER DENYING MOTION TO STRIKE (DKT. NO. 79)

Before the Court is the plaintiff's Motion to Strike Defendant's Second Motion for Summary Judgment (Dkt. No. 78). Dkt. No. 79. The motion is fully briefed and the Court finds a hearing unnecessary. Dkt. Nos. 83 & 84. The motion asks the Court to consider the defendant's second motion for summary judgment to be an unauthorized sur-reply to the plaintiff's motion for summary judgment. Dkt. No. 79 at 1. The defendant's second motion for summary judgment was timely filed under the current scheduling order, and as noted in the response, no rule prohibits filing multiple motions for summary judgment. Dkt. No. 62 at 2 (setting June 1, 2026 as the dispositive motion deadline); Dkt. No. 83 at 5.

The Court declines the plaintiff's request to characterize the defendant's timely second motion for summary judgment as a sur-reply and **DENIES** plaintiff's Motion to Strike (Dkt. No. 79).

The Court further **ORDERS** that the plaintiff shall file its response to the Motion for Summary Judgment by **July 31, 2026**, and that the defendant shall file its reply by **12:00 p.m., August 3, 2026**.

SIGNED this 29th day of July, 2026.

A handwritten signature in black ink, appearing to read "Derek T. Gilliland", is written over a horizontal line.

DEREK T. GILLILAND
UNITED STATES MAGISTRATE JUDGE