UNITED STATES DISTRICT COURT DISTRICT OF CONNECTICUT

MARCUS BAGWELL and SCOTT LEVY,

individually and on behalf of all others similarly

situated,

: NO. 3:16-CV-01350-JCH

Plaintiffs,

VS.

WORLD WRESTLING ENTERTAINMENT,

INC.,

Defendant. **JANUARY 2, 2018**

DEFENDANT'S MOTION FOR LEAVE TO FILE REPLY MEMORANDUM IN SUPPORT OF ITS BILL OF COSTS

Defendant World Wrestling Entertainment, Inc. ("WWE") hereby moves for leave to file the reply memorandum attached as Exhibit A in support of its bill of costs. The proposed reply memorandum is no more than three (3) pages in length and is limited to addressing the issue of whether WWE is the prevailing party for purposes of an award of costs under Federal Rule of Civil Procedure 54(d). In support of this motion, WWE states as follows:

- 1. On December 15, 2017, WWE filed a bill of costs in this action. (Doc. No. 167.)
- 2. On December 29, 2017, Plaintiffs filed a 17-page opposition to the bill of costs in which Plaintiffs argued that WWE was not the prevailing party under Rule 54(d) and therefore was not entitled to recover any of its costs. (Doc. No. 168.)
- 3. The opposition filed by Plaintiffs ignored controlling Second Circuit law which makes clear that WWE is the prevailing party under Rule 54(d).
- 4. WWE therefore seeks leave to file a reply memorandum of no more than three (3) pages in length that is limited to responding to Plaintiffs' argument regarding the threshold legal issue of whether WWE is the prevailing party under Rule 54(d).

5. WWE has inquired of Plaintiffs' counsel regarding their position on the instant motion, and they do not consent to the motion.

WHEREFORE, the Court should grant WWE's motion for leave to file the reply memorandum attached as Exhibit A in support of its bill of costs.

> **DEFENDANT WORLD WRESTLING** ENTERTAINMENT, INC.

By: <u>/s/ Jerry S. McDevitt</u>

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CERTIFICATE OF SERVICE

I hereby certify that, on January 2, 2018, a copy of foregoing was filed electronically and served by mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

> /s/ Jeffrey P. Mueller Jeffrey P. Mueller (ct27870)