

IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

ROY L. DENTON,	)	
	)	
<i>Plaintiff, Appellee,</i>	)	
	)	
v.	)	Case No. 08-6406
	)	
STEVE RIEVLEY,	)	
	)	
<i>Defendant-Appellant.</i>	)	

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APPELLANT STEVE RIEVLEY’S RESPONSE TO  
PLAINTIFF-APPELLEE’S MOTION TO STRIKE APPELLANT’S REPLY BRIEF

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Pursuant to *Federal Rule of Appellant Procedure 27*, Appellant Steve Rievley hereby files his Response to Appellee Roy L. Denton’s Motion to Strike Appellant’s Reply Brief. Mr. Rievley hereby asserts that his Reply Brief is appropriately before this honorable Court and respectfully requests that this Court deny Mr. Denton’s Motion to Strike. *Federal Rule of Appellant Procedure 28(c)* allows for an Appellant to file a Reply Brief to the Appellee’s Brief. Rule 28(c) further states that no other briefs may be filed unless the court permits. Mr. Rievley respectfully submits that Mr. Denton did not seek leave from this Court to file a Brief in response to the Reply Brief filed by Mr. Rievley pursuant to Rule 28(c). Moreover, his “Motion to Strike” is simply a thinly-veiled attempt to circumvent Rule 28(c) as the substance of this Motion to Strike directly responds to arguments which were properly addressed by Mr. Rievley in his Reply Brief. Mr. Denton cites no Sixth Circuit case law that support his proposition that Mr. Rievley’s Reply Brief should be “stricken” simply because Mr. Denton does not agree with the arguments contained therein. Thus, his Motion is not properly before this Court. Accordingly, Mr. Rievley respectfully requests that this Court deny Mr.

Denton's Motion to Strike Appellant's Reply Brief.

Respectfully submitted,

**ROBINSON, SMITH & WELLS**

Suite 700, Republic Centre  
633 Chestnut Street  
Chattanooga, TN 37450  
(423) 756-5051 Fax: (423) 266-0474

By: /s Ronald D. Wells  
Ronald D. Wells, BPR# 011185  
B. Elizabeth Dickson, BPR # 022762  
*Attorneys for Steve Rievley, Appellant*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6<sup>th</sup> day of May, 2009, a copy of the foregoing was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. Mail. Parties may access this filing through the Court's electronic filing system.

This the 6<sup>th</sup> day of May, 2009.

Robinson, Smith & Wells

By: s/Ronald D. Wells

cc: Roy L. Denton  
120 6<sup>th</sup> Avenue  
Dayton, TN 37321