

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
(Baltimore Division)**

**MAYOR AND CITY COUNCIL
OF OCEAN CITY MARYLAND, *et al.***
Plaintiffs/Cross-Defendants,

*

*

v.

**UNITED STATES DEPARTMENT
OF THE INTERIOR, *et al.***

* Civil Action No: 1:24-cv-03111-SAG

Defendants/Cross-Defendants.

*

And

*

US WIND, INC.

Defendant-Intervenor/Cross-Plaintiff

*

* * * * *

US WIND INC.'S MOTION FOR LEAVE TO FILE SUR-REPLY

Pursuant to Local Rule 105(2)(a), US Wind respectfully requests leave to file a short sur-reply to address new arguments raised by the Government in its reply brief. ECF No. 129. Specifically, US Wind requests the opportunity to contest the Government's arguments concerning the relevance of this Court's decision denying US Wind's motion for preliminary injunction to the Government's pending motion to dismiss US Wind's cross claims and the significance of the D.C. Circuit's recent decision to vacate *National Treasury Emps. Union v. Vought*, 149 F.4th 762 (D.C. Cir. 2025).

Good cause exists to grant US Wind's motion because absent the proposed sur-reply, US Wind will "be unable to contest matters presented to the court for the first time in [the Government's] reply." *Adams v. Am. Fed'n of State*, 167 F. Supp. 3d 730, 736 (D. Md. 2016). US

Wind's proposed sur-reply, which is attached hereto as Exhibit 1, will not prejudice the Government, which advanced these arguments for the first time in its reply.

Dated: December 22, 2025

Respectfully submitted,

By: /s/ Toyja E. Kelley, Sr.

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***Attorneys for Defendant-Intervenor and Cross
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CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2025, I served and filed the foregoing motion on counsel of record through this Court's CM/ECF system.

Dated: December 22, 2025

By: /s/ Toyja E. Kelley
Toyja E. Kelley, Sr. (D. Md. Bar No. 26949)