

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

TRAVELERS INDEMNITY
COMPANY OF CONNECTICUT and
ST. PAUL FIRE & MARINE
INSURANCE COMPANY,

Plaintiffs,

v.

Case No: 2:13-cv-670-FtM-38CM

ATTORNEY'S TITLE
INSURANCE FUND, INC.,
FLORIDA TITLE CO., SECTION
10 JOINT VENTURE, LLP, SKY
PROPERTY VENTURE, LLC, CAS
GROUP, INC., STEPHAN, COLE
& ASSOCIATES, LLC and
INTEGRA REALTY RESOURCES
SOUTHWEST FLORIDA, INC.,

Defendants.

ORDER

This matter comes before the Court upon review of Travelers Indemnity Company of Connecticut and St. Paul Fire & Marine Insurance Company's (collectively, "Travelers") *Renewed* Verified Motion to Tax Costs (Section 10) ("Motion for Costs") and Travelers' Motion for Enlargement of Time to File its *Renewed* Verified Motion to Tax Costs (ATIF) ("Motion for Enlargement of Time") filed on August 15, 2018. Docs. 453, 454. Travelers seeks taxable costs from Defendants Section 10 Joint Venture, LLP, Sky Property Venture, LLC and CAS Group, Inc., and an enlargement of time to seek taxable costs from Defendants Attorneys Title Insurance Fund, Inc. and Florida Title Company (collectively, "ATIF"). Docs. 453,

454. The motions will be denied without prejudice for failure to comply with Middle District of Florida Local Rule 3.01(g).¹

Local Rule 3.01(g) requires that each motion filed in a civil case, with certain enumerated exceptions not at issue here, “stat[e] whether counsel agree on the resolution of the motion,” and further provides that a statement to the effect that counsel for the moving party attempted to confer with counsel for the opposing party but counsel was unavailable is “insufficient to satisfy the parties’ obligation to confer.” M.D. Fla. R. 3.01(g). Here, Travelers’ Motion for Costs indicates counsel conferred with counsel for Section 10² “when this motion was filed originally”—i.e., in July 2016—but “has not yet had the opportunity to confer with Section 10” to determine if it remains opposed to the requested relief. *See* Doc. 422 at 7; Doc. 453 at 8. Travelers’ Motion for Enlargement of Time similarly indicates counsel has “reached out” to counsel for ATIF and the Creditor Trustee to determine ATIF’s position. Doc. 454 at 3. Travelers’ failures to confer clearly violate Local Rule 3.01(g). Therefore, the Court directs Travelers to meaningfully confer with counsel for all relevant opposing parties about the requested relief and to refile the motion in accordance with the Local Rules.

¹ Because the docket entry for Travelers’ Renewed Verified Motion to Tax Costs (Section 10) at Doc. 453 indicates it is a corrected version of the Travelers’ Renewed Verified Motion to Tax Costs (Section 10) at Doc. 452, the latter will be denied as moot.

² The Court notes counsel for Section 10 Joint Venture, LLP is also counsel for Sky Property Venture, LLC and CAS Group, Inc.

ACCORDINGLY, it is

ORDERED:

1. Travelers Indemnity Company of Connecticut and St. Paul Fire & Marine Insurance Company's *Renewed* Verified Motion to Tax Costs (Section 10) (Doc. 452) is **DENIED as moot**.

2. Travelers Indemnity Company of Connecticut and St. Paul Fire & Marine Insurance Company's *Renewed* Verified Motion to Tax Costs (Section 10) (Doc. 453) is **DENIED without prejudice**.

3. Travelers Indemnity Company of Connecticut and St. Paul Fire & Marine Insurance Company's Motion for Enlargement of Time to File its *Renewed* Verified Motion to Tax Costs (ATIF) (Doc. 454) is **DENIED without prejudice**.

DONE and **ORDERED** in Fort Myers, Florida on this 16th day of August, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record