

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

ALLIED WORLD ASSURANCE  
COMPANY,

Plaintiff,

v.

Case No: 2:18-cv-158-FtM-38CM

LEE MEMORIAL HEALTH SYSTEM,  
LESLEY HOLMAN, DOMINGO  
PEREZ TROY, MARIA PEDRO  
RUPERTO and LEXINGTON  
INSURANCE COMPANY,

Defendants.

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**ORDER**<sup>1</sup>

Before the Court is Allied World Assurance Company's Motion for Summary Judgment. ([Doc. 55](#)). Because Allied failed to follow this Court's requirements on a motion for summary judgment, its motion is denied without prejudice.

The Court's [website](#) lays out specific requirements for the filing of a motion for summary judgment. Pertinent here, a moving party must include a section titled, "Statement of Material Facts," that lists each material fact alleged not to be disputed in separate, numbered paragraphs. Allied fails to separate its undisputed facts into

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numbered paragraphs. Further, an exhibit index is required if a motion for summary judgment or response includes exhibits exceeding ten pages. That is the case here, and Allied is missing an exhibit index. Thus, the Court denies the motion without prejudice.


Accordingly, it is now

**ORDERED:**

(1) Allied World Assurance Company's Motion for Summary Judgment ([Doc. 55](#)) is **DENIED without prejudice**.

(2) Allied World Assurance Company may file an amended motion for summary judgment that complies with the Court's procedures **on or before January 24, 2019**. Defendants may file a response within **fourteen (14) days** of service of Allied World Assurance Company's amended motion for summary judgment.

**DONE** and **ORDERED** in Fort Myers, Florida this 17th day of January 2019.

  
**SHERI POLSTER CHAPPELL**  
**UNITED STATES DISTRICT JUDGE**

Copies: All Parties of Record