

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

JOE MYERESS,

Plaintiff,

v.

Case No: 2:18-cv-438-FtM-38CM

MARMONT HILL, INC. and
PARVEZ TAJ,

Defendants/Third
Party Plaintiffs,

DAISY SPENCE,

Third Party Defendant.

ORDER

This matter comes before the Court upon review of the Motion to Strike Affirmative Defenses filed on November 8, 2018. Doc. 41. Plaintiff seeks to strike all of the affirmative defenses raised by Defendants Marmont Hill, Inc. (“Marmont”) and Parvez Taj. *Id.*; *see also* Docs. 38, 39. The motion will be denied without prejudice for failure to comply with Middle District of Florida Local Rule 3.01(g).

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, the motion contains no reference to Plaintiff

even attempting to comply with Local Rule 3.01(g). *See generally* Doc. 41. The Court thus directs Plaintiff to meaningfully confer with Marmont and Mr. Taj about the requested relief to try to reach an agreeable resolution, and, if motion practice is still necessary, to refile his motion in accordance with the Local Rules.

ACCORDINGLY, it is

ORDERED:

The Motion to Strike Affirmative Defenses (Doc. 41) is **DENIED without prejudice**.

DONE and **ORDERED** in Fort Myers, Florida on this 13th day of November, 2018.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record