

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

BLUE HERON COMMERCIAL
GROUP, INC.,

Plaintiff,

v.

Case No: 2:18-cv-467-FtM-29CM

LEE WEBBER and GERALD T.
FILIPIAK,

Defendants.

ORDER

This matter comes before the Court upon review of Defendants' Motion to Stay Discovery filed on September 6, 2018. Doc. 28. For the reasons stated below, the motion is denied without prejudice.

Defendants seek to stay discovery in this case pending resolution of their Motion for Summary Judgment (Doc. 26). *Id.* at 2. The motion does not state whether Defendants conferred with Plaintiff's counsel and whether the parties agree on the resolution of the motion. Under the Middle District of Florida Local Rules, Rule 3.01(g) requires that each motion filed in a civil case, with certain enumerated exceptions not at issue here, contain a statement "stating 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).

ACCORDINGLY, it is

ORDERED:

Defendants' Motion to Stay Discovery (Doc. 28) is **DENIED without prejudice.**

DONE and **ORDERED** in Fort Myers, Florida on this 7th day of September,
2018.



CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record