

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

STEVEN MANDALA,

Plaintiff,

v.

Case No: 6:18-cv-2110-Orl-37TBS

TIRE STICKERS LLC, KEITH FERRY,  
DOES 1 THROUGH 10, INCLUSIVE,  
JASON BUSCH, TOYO TIRE  
CORPORATION, TOYO TIRE U.S.A.  
CORP., BLUEHOST INC. and DUPONT  
PUBLISHING INC,

Defendants.

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**ORDER**

Plaintiff's Notice of Motion and Motion to Strike Defendant DuPont's Answer to Summons and Civil Complaint (Doc. 79), is **DENIED without prejudice** for failing to comply with Local Rule 3.01(g).

Local Rule 3.01(g) provides that before filing most motions in a civil case, the moving party shall confer with the opposing party in a good faith effort to resolve the issues raised by the motion, and shall file with the motion a statement certifying that the moving party has conferred with the opposing party, and that the parties have been unable to agree on the resolution of the motion. The term "confer" in Rule 3.01(g) requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without court action and does not envision an email, fax or letter. Counsel who merely "attempt" to confer have not "conferred." A certification to the effect that opposing counsel was unavailable for a conference before filing a motion is insufficient to satisfy the parties' obligation to confer. See Local Rule 3.01(g). The term "counsel" in Rule

3.01(g) includes pro se parties acting as their own counsel, thus requiring movants to confer with pro se parties and requiring pro se movants to file Rule 3.01(g) certificates. Counsel must respond promptly to inquiries and communications from opposing counsel. Board of Governors of the Florida Bar, Ideals and Goals of Professionalism, ¶ 6.10 and Creed of Professionalism ¶ 8 (adopted May 16, 1990), available at [www.floridabar.org](http://www.floridabar.org) (Professional Practice Henry Latimer Center for Professionalism). A party who, due to time constraints, must file a motion before complying with Rule 3.01(g), is under a duty to contact opposing counsel expeditiously after filing the motion and supplement the motion promptly with a completed Rule 3.01(g) certificate. The Court will deny motions that fail to include an appropriate, complete Rule 3.01(g) certificate.

**DONE and ORDERED** in Orlando, Florida on June 6, 2019.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties