

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

WHEELS INVESTMENTS, LLC,

Plaintiff,

v.

Case No: 6:19-cv-658-Orl-31TBS

MERRILL LYNCH, PIERCE, FENNER &
SMITH INCORPORATED, WELLS
FARGO BANK, N.A. and BANK OF
AMERICA, N.A.,

Defendants.

ORDER

Pending before the Court is Defendant Merrill's Motion to Compel Arbitration and Stay Proceedings (Doc. 24). According to the motion:

Undersigned [sic] counsels, as required by M.D. Fla. L.R. 3.01(g), certifies to the Court that he has spoken with Jonathan Stimler, Esq., counsel for Plaintiff, in an effort to resolve the issues raised by this Motion.

(Id., at 6). While it may seem like a small point to counsel, Local Rule 3.01(g) requires more:

(g) Before filing any motion in a civil case, except a motion for injunctive relief, for judgment on the pleadings, for summary judgment, to dismiss or to permit maintenance of a class action, to dismiss for failure to state a claim upon which relief can be granted, or to involuntarily dismiss an action, the moving party shall confer with counsel for the opposing party in a good faith effort to resolve the issues raised by the motion, and shall file with the motion a statement (1) certifying that the moving counsel has conferred with opposing counsel and (2) stating whether counsel agree on the resolution of the motion....

M.D. FLA. Rule 3.01(g) (emphasis added). Now, the motion to compel arbitration is **DENIED without prejudice** for failing to comply with Local Rule 3.01(g).

DONE and **ORDERED** in Orlando, Florida on April 24, 2019.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record