

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KATHLEEN HERMAN and
JEFFREY GHIAZZA,

Plaintiffs,

v.

Case No.: 2:23-cv-948-JES-KCD

THE MR. COOPER GROUP INC.,

Defendant.

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ORDER

Plaintiffs Kathleen Herman and Jeffrey Ghiazza previously filed a “Motion to Compel, For Sanctions, and For Default Judgment.” (Doc. 80.) The Court denied their motion because it did not comply with Local Rule 3.01(g). Specifically, it lacked a certification that the parties conferred “in a good faith effort to resolve the motion” before it was filed. (*See* Doc. 81.)

Now before the Court is Plaintiffs’ Motion for Clarification. (Doc. 83.) Plaintiffs claim to have “compl[ie]d unequivocally with Local Rule 3.01(g).” (*Id.* at 2.) They thus ask “the Court to rule in [their] favor on compliance to Rule 3.01(g).” (*Id.* at 3.)

Plaintiffs’ assertion that they complied with Local Rule 3.01(g) is demonstrably false. Their prior motion does not contain the certification required. Thus, the Court stands by its prior order dismissing Doc. 80 without

prejudice and will award no such relief. Plaintiffs can re-file their motion and follow Local Rule 3.01(g) if they have since conferred with opposing counsel.

ORDERED in Fort Myers, Florida on June 12, 2024.



Kyle C. Dudek
United States Magistrate Judge

Copies: All Parties of Record