

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

ORLANDO HEALTH, INC.,

Plaintiff,

v.

Case No. 6:24-cv-693-JA-LHP

HKS ARCHITECTS, INC.,

**Defendant/Third-Party
Plaintiff,**

BBM STRUCTURAL ENGINEERS, INC.,

Third-Party Defendant.

ORDER

Before the Court is the defendants' motion to strike the declaration of John E. Walsh that was filed in support of Plaintiff's opposition to defendants' motion for summary judgment.¹ (Doc. 68). The plaintiff has filed a response in opposition. (Doc. 69).

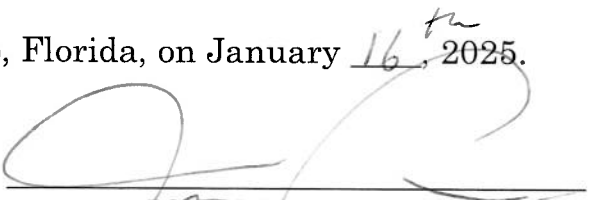
The motion to strike does not comply with the conferral and certification requirements of Local Rule 3.01(g). The purpose of Local Rule 3.01(g) "is to require the parties to communicate and resolve certain types of disputes without

¹ For purposes of clarity, the Court refers to HKS Architects, Inc., and BBM Structural Engineers, Inc., as "Defendants" in this order.

court intervention.” *Desai v. Tire Kingdom, Inc.*, 944 F. Supp. 876, 878 (M.D. Fla. 1996). Because the plaintiff avers that conferral could have “narrowed the issues or resolved the motion,” it would not serve the purpose of Local Rule 3.01(g) to suspend its application and resolve the motion to strike on substantive grounds. See M.D. Fla. Local Rule 1.01(b) (“If reasonably necessary to achieve the purpose of these rules, a judge can temporarily modify or suspend the application of any rule, except Local Rule 1.05(a).”).

Accordingly, Defendants’ motion to strike (Doc. 68) is **DENIED without prejudice**. Any renewed motion must contain a Rule 3.01(g) certificate stating that counsel for Defendants has conferred in good faith with counsel for Plaintiff regarding the resolution of the motion, and “the renewed motion must state the outcome of such good faith conference.” *Esprit Stones Priv. Ltd. v. Rio Stone Grp. Inc.*, 6:19-cv-637-Orl, 2020 WL 10318553, at *1 (M.D. Fla. June 15, 2020). Defendants shall have until **January 23, 2025**, to file a renewed motion to strike.

DONE and ORDERED in Orlando, Florida, on January 16th, 2025.


JOHN ANTOON II
United States District Judge

Copies furnished to:
Counsel of Record
Unrepresented Parties