

**NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

ROBERT DOMINGUEZ,

Plaintiff,

v.

ERDNER BROS., INC., et al.,

Defendants.

CIVIL ACTION NO. 10-4199 (MLC)

**O P I N I O N**

**THE DEFENDANTS** move to enforce a purported agreement ("Agreement") between the parties to this action. (See dkt. entry no. 17, Notice of Mot.; dkt. entry no. 17, Aragon Cert., Ex. A, Post Mediation Agreement.)<sup>1</sup> The defendants argue that, pursuant to the terms of the Agreement: (1) the plaintiff shall receive \$150,000; (2) each party shall release the other from all outstanding claims and liability; and (3) this matter shall be settled. (Aragon Cert. at ¶ 5.)

**THE DEFENDANTS** first requested such relief by letter to the Magistrate Judge on March 9, 2012. (Dkt. entry no. 15, 3-9-12 Letter ("First Letter").) Although the defendants styled their letter as a motion for relief, they failed to conform to the Local Civil Rules by failing to include: (1) a Notice of Motion; and

---

<sup>1</sup> Because the defendants failed to separately docket the documents supporting the Motion, all documents relating to the Motion are docketed at dkt. entry no. 17.

(2) either a Brief or a statement that such Brief was unnecessary.  
(Id.) See also Local Civil Rules 7.1(b)(1), (d)(1)-(2), (4).

**THE CLERK OF THE COURT**, upon review of the First Letter, recognized that it did not conform to the Local Civil Rules. The Clerk of the Court thus noted on the docket that the First Letter "was submitted incorrectly as a Motion to Enforce Judgment" and further directed the defendants, "[i]f they wished to file a Motion", to "file Motion papers." (See unnumbered docket entry immediately following dkt. entry no. 15.) The Clerk of the Court also terminated the calendar event created by the First Letter. (Unnumbered docket entry immediately preceding dkt. entry no. 16.)

**THE DEFENDANTS** disregarded the Clerk of the Court's direction and again requested relief by submitting a second March 9, 2012 letter to the Magistrate Judge. (Dkt. entry no. 16, 3-9-12 Letter ("Second Letter").) The Second Letter similarly failed to conform to the Local Civil Rules. (See id.) See also Local Civil Rules 7.1(b)(1), (d)(1)-(2), (4).

**THE DEFENDANTS** filed a new and proper Notice of Motion on March 30, 2012, requesting the same relief. (Notice of Mot.) Upon review of the Motion, however, the Clerk of the Court discovered that this filing, too, failed to conform to the Local Civil Rules because the defendants failed to include either a Brief or a statement that such Brief was unnecessary. (See unnumbered docket

entry immediately preceding dkt. entry no. 18). See also Local Civil Rules 7.1(b)(1), (d)(1)-(2), (4).

**THE COURT** notes that the Local Civil Rules, like the Federal Rules of Civil Procedure, are not suggestions for the parties' consideration. Because the defendants have again failed to abide by the Local Civil Rules, the Court will deny the Motion without prejudice. The defendants shall refrain from again moving for relief without ensuring that their motion and all related papers conform to the applicable Local Civil Rules.

**THE COURT** will issue an appropriate Order.

s/ Mary L. Cooper  
\_\_\_\_\_  
**MARY L. COOPER**  
United States District Judge

Dated: April 23, 2012