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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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AZ Holding, L.L.C., a North Dakota) limited liability company,

No. CV-08-0276-PHX-LOA

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Plaintiff,

ORDER

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vs.

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Thomas C. Frederick and Christine J.) Cobb, husband and wife; RBW) Consultants, Inc., an Arizona corporation;) and Bumar, L.L.C., an Arizona limited) liability company,

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Defendants.

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Thomas C. Frederick and Christine J.) Cobb, husband and wife; RBW) Consultants, Inc., an Arizona corporation;) Bumar, L.L.C., an Arizona limited) liability company,

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Counterclaimants,

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vs.

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AZ Holding, L.L.C., a North Dakota) limited liability company,

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Counterdefendant.

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On November 23, 2009, Defendants filed their Controverting and Supplemental Statement of Facts etc. and Response to Motion of Plaintiff for Partial Summary Judgment.

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(docket ## 156-157) Upon review of these filings, the Court concludes they were not

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properly filed electronically in text-searchable .pdf format and, therefore, they do not comply

1 with this District Court's Local Rules and its ECF Manual. See, LRCiv 5.5(b) and definition
2 of ".pdf," ECF Manual, at I(A), p. 2. In the Court's March 17, 2009, the Court entered a
3 specific order that "[a]ll pleadings, motions, memorandum or other filings in this case shall
4 be created via personal computer with a word processing application, e.g., Microsoft Word®
5 or Corel WordPerfect®, then converted to portable document format (.pdf)" (docket #
6 81 at 5) In fact, the Court even ordered Defendants' new counsel to comply with this
7 specific ECF requirement when it authorized the substitution of counsel less than three weeks
8 ago. (docket # 154 at 2)

9 Compliance with the District Court's LRCiv 5.5(b)¹ and the ECF Manual in
10 this regard is not a petty requirement. Improperly filing briefs in non-text searchable format
11 precludes judges, law clerks and adverse counsel from highlighting a portion of a brief and
12 copying it onto another document or order. Thus, improper formatting forces judges, law
13 clerks and adverse counsel to unnecessarily retype the portion of the brief to be quoted or
14 referenced and creates unnecessary delay in the creation of orders and responsive briefs.
15 Compliance is not optional.

16 On the Court's own motion,

17 **IT IS ORDERED** that Defendants' Controverting and Supplemental Statement
18 of Facts etc. and Response to Motion of Plaintiff for Partial Summary Judgment, docket ##
19 156-157, are **STRICKEN** without prejudice.

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21 ¹ Local Rule 5.5(b) provides:

22 Filing of Documents Electronically. The Court will accept for filing documents
23 submitted, signed or verified by electronic means consistent with these rules
24 and the Administrative Manual. Filing of documents electronically in
25 compliance with these rules and the Administrative Manual will constitute
26 filing with the Court for purposes of Rule 5(e) of the Federal Rules of Civil
27 Procedure.

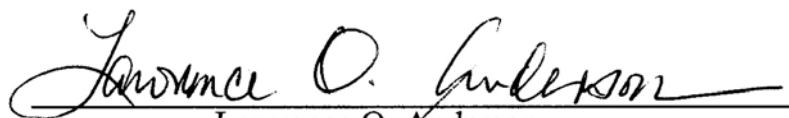
28 LRCiv 5.5(b). Local rules are "laws of the United States," *United States v. Hvas*, 355 U.S.
570, 575 (1958), "have the force of law[,] are binding upon the parties and upon the court."
Professional Programs Group v. Department of Commerce, 29 F.3d 1349, 1353 (9th Cir.
1994) (internal quotation marks omitted).

1 **IT IS FURTHER ORDERED** that Defendants shall refile their
2 Controverting and Supplemental Statement of Facts etc. and Response to Motion of Plaintiff
3 for Partial Summary Judgment, on or before **Tuesday, December 1, 2009** which shall be
4 substantively identical to its November 23, 2009 filings but it shall comply in all respects
5 with this Order, the Local Rules, the ECF Manual or Defendants' Controverting and
6 Supplemental Statement of Facts etc. and Response to Motion of Plaintiff for Partial
7 Summary Judgment may not be considered *vis a vis* Plaintiff's Motion for Partial Summary
8 Judgment.

9 **IT IS FURTHER ORDERED** that, except as set forth herein, all Defendants'
10 pleadings, motions, memoranda, or other filings in this case shall be created via personal
11 computer with a word processing application, e.g., Microsoft Word® or Corel
12 WordPerfect®, then converted to portable document format (.pdf). See, definition of “.pdf,”
13 ECF Manual, at I(A), p. 2. (“[E]lectronic documents must be converted to .pdf directly from
14 a word processing program (e.g., Microsoft Word® or Corel WordPerfect®) and must be text
15 searchable.”). Such filings shall not be printed to paper and then scanned and saved as
16 portable document format (.pdf). Documents which exist only in paper form, like exhibits
17 or certain attachments to pleadings may, however, be scanned from a paper copy and saved
18 in a portable document format (.pdf).

19 **IT IS FURTHER ORDERED** that Plaintiff's Reply, if any, shall be filed on
20 or before **Friday, December 18, 2009**.

21 Dated this 24th day of November, 2009.

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24 Lawrence O. Anderson
25 United States Magistrate Judge