

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

JOHN ANDRE; CHANDY ANDRE,

Plaintiffs,

-vs-

Case No. 2:09-cv-503-FtM-36SPC

SELLSTATE REALTY SYSTEMS NETWORK,
INC. a Florida corporation; ARTHUR DARMANIN
an individual; NEIL J. CRESSWELL an individual;
and MICHAEL 36REIN, an individual,

Defendants.

ORDER

This matter comes before the Court on the Defendant, Sellstate Realty Systems Network, Inc.'s Motion to Strike the Plaintiff's Demand for a Jury Trial (Doc. #43) filed on June 18, 2010. The Defendant's Motion to Strike does not contain a Rule 3.01(g) certification. Pursuant to M.D. Fla. Local Rule (3.01)(g) a party moving the Court for relief in a motion other than a dispositive motion must file a certificate with the motion certifying that the parties have conferred regarding the matter and cannot come to an agreement. In this instance, the Defendant did not attach his 3.01(g) certification. The Defendant's failure is fatal to his Motion and the Motion is do to be denied without prejudice.

Accordingly, it is now

ORDERED:

The Defendant, Sellstate Realty Systems Network, Inc.'s Motion to Strike the Plaintiff's Demand for a Jury Trial (Doc. #43) is **DENIED without prejudice**.

DONE AND ORDERED at Fort Myers, Florida, this 18th day of June, 2010.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record