

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

STEPHANIE S. MILLER and SELECT  
REAL ESTATE BY STEPHANIE  
MILLER, INC.,

Plaintiffs,

v.

Case No: 2:14-cv-347-FtM-38MRM

JOHN M. SUMMERS, SUMMERS  
GULF MANAGEMENT, LLC and  
CORKSCREW MANAGEMENT, LLC,

Defendants/Third  
Party Plaintiffs

BECKER & POLIAKOFF, P.A.,

Third Party Defendant.

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**ORDER**<sup>1</sup>

This matter comes before the Court on Defendants John M. Summers, Summers Gulf Management, LLC, and Corkscrew Management, LLC's Motion for Summary Judgment ([Doc. #79](#)) filed on October 20, 2015. The Court denies without prejudice Defendants' motion because it does not comply with the undersigned's procedure on a motion for summary judgment. As of October 14, 2015, each motion for summary judgment must include a specifically captioned section titled, "Statement of Material Facts," that lists each material fact alleged not to be disputed in *separate, numbered*

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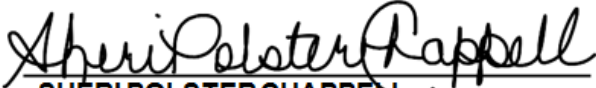
paragraphs. See [Letter to Counsel Regarding Updates to Policies and Procedures \(Oct. 14, 2015\)](#) (emphasis added).<sup>2</sup> Because Defendants' Statement of Material Facts fails to list each fact alleged not to be disputed in separate, numbered paragraphs – and because the undersigned's procedure regarding motions for summary judgment is new – the Court denies Defendants' motion without prejudice.

Accordingly, it is now

**ORDERED:**

Defendants John M. Summers, Summers Gulf Management, LLC, and Corkscrew Management, LLC's Motion for Summary Judgment ([Doc. #79](#)) is **DENIED without prejudice**. Defendants may file an amended motion for summary judgment that complies with the Court's procedures on or before **October 30, 2015**. Plaintiffs Stephanie S. Miller and Select Real Estate By Stephanie Miller, Inc. may file a response thereto within **fourteen (14) days** of service of Defendants' amended motion for summary judgment.

**DONE** and **ORDERED** in Fort Myers, Florida this 26th day of October, 2015.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record

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<sup>2</sup> See also the undersigned's website at <http://www.flmd.uscourts.gov/judicialinfo/ftmyers/JgChappell.htm>.