

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DYCK-O'NEAL, INC.,

Plaintiff,

v.

Case No: 2:15-cv-27-FtM-38MRM

BRANDT ENGLAND,

Defendant.

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

This matter comes before the Court on Defendant Brandt England's Motion for Summary Judgment ([Doc. #44](#)) filed on November 9, 2015. The Court denies without prejudice Defendant's motion because it does not comply with the Court's procedure on a motion for summary judgment. 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 paragraphs. See [Letter to Counsel Regarding Updates to Policies and Procedures \(Oct. 14, 2015\)](#) (emphasis added).<sup>2</sup> In addition, each fact must be supported by a *pinpoint* citation to the specific part of the record relied upon to support that fact. *Id.* Because Defendant's motion does not list

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<sup>1</sup> Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

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


each fact alleged to be disputed in separate, numbered paragraphs, the Court denies his motion without prejudice.

Accordingly, it is now

**ORDERED:**

Defendant Brandt England's Motion for Summary Judgment ([Doc. #44](#)) is **DENIED without prejudice**. Defendant may file an amended motion for summary judgment that complies with the Court's procedures on or before **November 24, 2015**. Plaintiff Dyck-O'Neal, Inc. may file a response thereto within **fourteen (14) days** of service of Defendant's amended motion for summary judgment.

**DONE and ORDERED** in Fort Myers, Florida this 10th day of November, 2015.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record