

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

DANIEL A. BERNATH,

Plaintiff,

v.

Case No: 2:15-cv-358-FtM-99CM

MARK CAMERON SEAVEY,

Defendant.

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**OPINION AND ORDER**<sup>1</sup>

This matter comes before the Court on Defendants Mark Cameron Seavey and The American Legion's Motions for Summary Judgment ([Doc. 177](#); [Doc. 178](#)) filed on March 9, 2017. The Court denies without prejudice Defendants' motions because they do not comply with the Court's procedure on a motion for summary judgment. All civil motions and cross-motions must include a concise statement of the precise relief requested, a statement of the basis for the request, and a memorandum of legal authority in support of the request, all of which the movant shall include in a single document not more than *twenty-five (25)* pages. See [M.D. Fla. Local R. 3.01](#) (emphasis added).

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Here, Defendants have attached their Statements of Material Facts as exhibits. (Doc. 177-1; Doc. 178-2). This is not in compliance with the local rules. Defendants must include the Statement of Material Facts section in the Motion for Summary Judgment and comply with the twenty-five (25) page requirement. Should the twenty-five (25) pages be insufficient for the Defendants to address the issues in this case, they may petition the Court to file a document in excess of the page limit. However, at this time, the Court denies both Motions without prejudice.

Accordingly, it is now

**ORDERED:**

Defendants Mark Cameron Seavey and The American Legion's Motions for Summary Judgment (Doc. 177; Doc. 178) are **DENIED without prejudice**. Defendants may file an amended motion for summary judgment that complies with the Court's procedures on or before **March 20, 2017**. Plaintiff Daniel A. Bernath may file a response thereto within **fourteen (14) days** of service of Defendants' amended motions for summary judgment.

**DONE** and **ORDERED** in Fort Myers, Florida this 13th day of March, 2017.

  
SHERI POLSTER CHAPPELL  
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record