UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

MONTGOMERY BANK, N.A.,

       Plaintiff,

v.   Case No: 2:17-cv-295-FtM-99CM

MARIANITO O. ASPERILLA, W.
M. MARSH, LINDA SUE MARSH,
A & M GROVES, EMERALD
GROVES, INC. and IBERIABANK,

       Defendants.

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ORDER

This matter comes before the Court upon review of Plaintiff's Motion to Substitute Party Plaintiff (Doc. 21) filed on June 20, 2017.   Plaintiff seeks to substitute Marsh Groves of Desoto County, LLC ("Marsh Groves") as a plaintiff in this matter pursuant to Rule 25(c) of the Federal Rules of Civil Procedure.   Doc. 21. Plaintiff alleges that after it initiated this lawsuit to foreclose a mortgage lien on real property on May 31, 2017, it assigned all of its right, tittle, and interest in the subject mortgage to Marsh Groves.   *Id.* at 1; Doc. 1 ¶ 1.

Local Rule 3.01(g) requires that each motion filed in a civil case, with certain enumerated exceptions not at issue here, contain a statement "stating whether counsel agree on the resolution of the motion," and further provides that a statement to the effect that counsel for the moving party attempted to confer with counsel for the opposing party but counsel was unavailable is "insufficient to satisfy the parties' obligation to confer."   M.D. Fla. R. 3.01(g).   Here, although on June 19, 2017,

counsel Hank B. Campbell, Esq. appeared as counsel of record for Defendants W.M. Marsh, Linda Sue Marsh, A&M Groves a/k/a A&M Partnership, and Emerald Groves, Inc., Plaintiff does not state whether it has conferred with the opposing counsel regarding the present motion. Docs. 19, 21. As a result, the Court will deny without prejudice the present motion for failure to comply with Local Rule 3.01(g).

ACCORDINGLY, it is hereby

ORDERED:

Plaintiff's Motion to Substitute Party Plaintiff (Doc. 21) is **DENIED without prejudice** for failure to comply with Local Rule 3.01(g).

DONE and **ORDERED** in Fort Myers, Florida on this 21st day of June, 2017.

CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record