

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

SHIRLEY G. BERNARD, Individually
and ROBERT N. BERNARD, Individually,

Plaintiffs,

v.

Case No. 6:13-cv-1044-ORL-37TBS

WACHOVIA MORTGAGE CORPORATION
and WELLS FARGO BANK, N.A.,

Defendants.

ORDER

Pending before the Court is Plaintiffs' Notice of Dropping Defendant, Wachovia Mortgage Corporation from this Action (Doc. 16). The Court construes the Notice as a motion which is due to be DENIED.

On August 13, 2013, the Court entered its Order sua sponte, to inform Plaintiffs of some of the procedural rules with which they must comply (Doc. 14). Those rules require, inter alia, that all motions be accompanied by a legal memorandum with citation of authorities in support of the relief requested. See Local Rule 3.01(a). The Notice states that it was filed pursuant to Florida state court rules of civil procedure which do not apply to this federal case. The Court construes the Notice as a motion filed pursuant to FED.R.CIV.P. 21. The motion fails because it does not explain why Wachovia Mortgage Corporation should be dropped as a party.

The rules also require that before filing most motions, the filing party must confer with opposing counsel in a good faith attempt to resolve the issue. The motion must contain a certificate that the parties have conferred and whether they agree on

the relief requested in the motion. See Local Rule 3.01(g). Plaintiffs' motion does not comply with Local Rule 3.01(g).

Accordingly, the motion is DENIED.

IT IS SO ORDERED.

DONE AND ORDERED in Orlando, Florida, on August 20, 2013.



THOMAS B. SMITH
United States Magistrate Judge

Copies to:

Plaintiffs pro se
All Counsel