

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

RUTH DOPSON-TROUTT and
FRANK TROUTT,
Plaintiffs,

v.

Case No.: 8:06-CV-1708-T-24-EAJ

NOVARTIS PHARMACEUTICALS
CORPORATION,
Defendant.

ORDER

This cause comes before the Court on a Motion to Strike Novartis' Belated Summary Judgment Motion and to Strike Improper and Prolix Statements in the Parties' Joint Pretrial Statement filed by Plaintiffs Ruth Dopson-Troutt and Frank Troutt. [Doc. 141]. The Court finds it unnecessary to wait for Defendant Novartis Pharmaceuticals Corporation's ("NPC") response and will proceed to rule on the motion.

On November 21, 2012, the Court entered a scheduling order requiring the parties to file their motions for summary judgment by December 3, 2012. [Doc. 65]. On December 3, 2012, NPC timely filed its motion for summary judgment. [Doc. 73]. Plaintiffs filed a response, to which NPC filed a reply. [Docs. 78, 89]. On April 2, 2013, the Court denied NPC's motion for summary judgment. [Doc. 110]. The final pretrial conference is scheduled for September 12, 2013, and trial is scheduled for October 2013. [Doc. 65].

On July 26, 2013, NPC filed a second motion for summary judgment. [Doc. 140]. Plaintiffs contend this motion is untimely and should be stricken. [Doc. 141]. The Court agrees. NPC's motion is untimely; the deadline for filing dispositive motions was December 3, 2012. [Doc. 65]. Further, the second summary judgment motion violates the Court's scheduling order,

which specifically states that “[a] party’s claims or defenses for which summary judgment is sought shall be presented in a single motion and legal memorandum” and that “[m]ultiple motions for summary judgment will not be permitted.” [*Id.*, ¶ 4]. The Court therefore grants Plaintiffs’ motion to strike NPC’s belated motion for summary judgment.

Further, the parties filed a joint pretrial statement, in which NPC’s “statement of remaining defenses” spans 14 pages. [Doc. 138 at 3-16]. Plaintiffs contend NPC’s lengthy statement contravenes the Middle District of Florida Local Rule 3.06(c)(3) requirement for a “brief, general statement of each party’s case” and should be stricken. [Doc. 141]. The Court agrees that NPC’s statement of remaining defenses is unnecessarily lengthy and argumentative and does not follow the Court’s directive.

Accordingly, it is **ORDERED** that:

- I. Plaintiffs’ Motion to Strike Novartis’ Belated Summary Judgment Motion and to Strike Improper and Prolix Statements in the Parties’ Joint Pretrial Statement [Doc. 141] is **GRANTED**;
- II. NPC’s Motion for Summary Judgment [Doc. 140] is **STRICKEN**;
- III. NPC’s “statement of remaining defenses” [Doc. 138 at 3-16] is **STRICKEN** from the parties’ Joint Pretrial Statement. NPC shall file an amended brief general statement of its case, not to exceed five pages, by August 9, 2013.

DONE AND ORDERED at Tampa, Florida, this 2nd day of August, 2013.


SUSAN C. BUCKLEW
United States District Judge

Copies to: Counsel of record