

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

PACE PROPERTIES LLC

vs

Case No. 3:08cv345-MCR/EMT

EXCELSIOR CONSTRUCTION INC

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**ORDER**

Defendant's **MOTION TO STRIKE AFFIDAVIT OF JAMES LABBIE**" (electronically filed 5/7/2009, doc.108), was referred to the undersigned with the following deficiencies:

Counsel for the moving party shall confer with counsel for the opposing party and shall file with the court, at the time of filing a motion, a statement certifying that counsel has conferred with counsel for the opposing party in a good-faith effort to resolve by agreement the issues raised or has attempted to so confer but, for good cause stated, was unsuccessful, as required by N.D. Fla. Loc. R. 7.1(B).

For these reasons, IT IS ORDERED that:

The document shall remain in the electronic file, but the court will not consider it until you have corrected the above deficiencies through the filing of a corrected document. The document is denied without prejudice with leave given to refile after correction.

DONE and ORDERED this 8th day of May, 2009.

*s/ M. Casey Rodgers*

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**M. CASEY RODGERS  
UNITED STATES DISTRICT JUDGE**