

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
PANAMA CITY DIVISION**

IAP WORLDWIDE SERVICES, INC. and
READINESS MANAGEMENT SUPPORT,
LC,

Third Party Plaintiffs,

vs.

CASE NO. 5:09cv331/RS-EMT

JOHNSON CONTROLS, INC.,

Third Party Defendant.

_____ /

ORDER

Before me is Plaintiffs' Motion To Strike The Declaration Of M. Stephen Turner (Doc. 318).

The declaration of M. Stephen Turner was filed untimely, and will not be considered. A simple objection to Turner's affidavit would have sufficed rather than the unnecessary number of hours of briefing by both parties. It is past time for the attorneys in this case to regain a sense of practical proportionality. This case should be a relatively uncomplicated commercial dispute, governed by well-settled contract law. Instead, the attorney's fees and other expenses have reached malignant proportions. All counsel are encouraged to soberly consider whether every issue, no matter how trivial, warrants a scorched-earth response. An apt description of the difference between a trial lawyer and a litigator comes to mind. If a litigator is told to retrieve a rock from the middle of a field, the litigator will plow every furrow of the field before recovering the rock. The trial lawyer will walk the most direct, straight-line route to the

rock and carry it from the field by that direct route.

ORDERED on August 30, 2011.

/S/ Richard Smoak

RICHARD SMOAK

UNITED STATES DISTRICT JUDGE