

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 08-60623-CIV-DIMITROULEAS/ROSENBAUM

BANK OF MONGOLIA,

Plaintiff,

v.

M&P GLOBAL FINANCIAL SERVICES,
INC., M&P GLOBAL FINANCIAL SERVICES
EUROPE, AG, BURTON D. GREENBERG,
JOEL E. GREENBERG, JAMES R.
HALPERIN,

Defendants.

ORDER

This matter is before the Court on Defendants M&P Global Financial Services, Inc., M&P Global Financial Services Europe AG, Burton G. Greenberg and Joel E. Greenberg's ("M&P Defendants") Motion to Extend Time of Filing Response Required Pursuant to Court Order Dated April 24, 2009 [D.E. 105]. In this Motion Defendants request an additional 20 days within which to file their response required by this Court's Order of April 24, 2009 [D.E. 75]. The M&P Defendants, however, fail to include at the end of their Motion the Certificate of Good-faith Conference required by Local Rule 7.1.A.3, S.D. Fla. Consequently, the Court cannot discern whether Plaintiff opposes the relief sought by the M&P Defendants.

Local Rule 7.1.A.3, S.D. Fla., requires counsel to "make reasonable effort to confer (orally or in writing), with all parties . . . who may be affected by the relief sought in the motion in a good faith effort to resolve by agreement the issues to be raised in the motion." Local Rule 7.1 serves the purpose not only of attempting to avoid unnecessary expenditure of judicial resources resolving

motions that are not opposed, but also of allowing the Court to ascertain whether it should wait for a response from the opposing party before deciding the motion.

Here, in the absence of a representation of Plaintiff's position, the Court has no way of knowing where Plaintiff stands on the M&P Defendants' Motion. Although, among other remedies, Local Rule 7.1 authorizes the Court to deny the M&P Defendants' Motion for failure to comply with the pre-filing conference requirement, the Court will not take that step at this time.

Instead, the Court directs the M&P Defendants to file an amended version of the pending motion, which contains the required Certificate of Good-faith Conference. The M&P Defendants shall file their amended motion by **5:00 p.m., Tuesday, October 6, 2009**. Additionally, the Court reminds counsel to comply with all Local Rules, including the pre-filing conference requirement embodied in Local Rule 7.1, S.D. Fla.

DONE AND ORDERED at Fort Lauderdale, Florida, this 5th day of October, 2009.



ROBIN S. ROSENBAUM

United States Magistrate Judge

cc: Honorable William P. Dimitrouleas
counsel of record

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