

08-60637.0a

**UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF FLORIDA**
Miami Division

Case Number: 08-60637-CIV-ALTONAGA-BROWN

ALBERT PERHACH,

Plaintiff,

vs.

OPTION ONE MORTGAGE
CORPORATION,

Defendant.

ORDER GRANTING MOTION TO STRIKE

THIS MATTER is before the Court on Defendant...’s Motion to Strike (D.E. 47), filed May 5, 2009. The Court has considered this motion and all pertinent materials in the file. Normally, the local rules provide for a response and a reply. However, this Court intended to grant this relief sua sponte prior to receipt of this motion.

Plaintiff has filed an “Additional Note to Pending Motion ...” (D.E. 45) on April 29, 2009. This “additional note” is in violation of Local Rule 7.1.C. That rule allows for the filing of a motion, a response, and a reply. The rule further provides “No further or additional memoranda of law shall be filed without prior leave of Court”. This “additional note” is further argument on an already pending motion and therefore this Court construes same as an “additional memoranda”.

The reason for this rule, among other things, is because there’s a deadline for responding. If the material to be responded to changes, it is unfair to the party responding. If this additional note

were allowed, it could mean that another additional note could be filed even after the response - and motions would never get resolved.

Therefore, and the Court being otherwise fully advised in the premises, it is hereby **ORDERED AND ADJUDGED** that said motion be and the same is hereby **GRANTED**, and D.E. 45 is hereby STRICKEN from the record without prejudice to plaintiff to properly raise the issues therein, if appropriate, by appropriate means.

DONE AND ORDERED in Chambers at Miami, Florida, this ^{16th} day of May, 2009.



STEPHEN T. BROWN
CHIEF U.S. MAGISTRATE JUDGE

cc: Honorable Cecilia M. Altonaga
Counsel and parties of record