

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

RICHARD SCHNEIDER,

Plaintiff,

v.

**PROTESTANT MEMORIAL MEDICAL
CENTER, INC., d/b/a MEMORIAL HOSPITAL
AND MEMORIAL CONVALESCENT CENTER,**

Defendant.

Case No. 08-cv-544-DRH

ORDER

HERNDON, Chief Judge:

Before the Court is Plaintiff's Motion to Strike Defendant's Motion for Summary Judgment and Memorandum in Support (Doc. 22). Essentially, Plaintiff argues that Defendant 's Motion should be stricken because in addition to filing the 20-page combined motion and memorandum (Doc. 21), Defendant has also attached a 16-page, 105-paragraph Statement of Uncontroverted Material Facts (Doc. 21-2), which Plaintiff asserts violates Local Rule 7.1 as well as the Court's Uniform Trial Practices and Procedures for this case (Doc. 8). In other words, Plaintiff believes

Defendant has essentially found a way to circumvent the Court's 20-page limit for briefings to effectively submit a 36-page brief, which will ultimately complicate and unduly burden Plaintiff in drafting a response.

In response (Doc. 23), Defendant does not believe its summary judgment motion should be stricken and asserts that it has maintained compliance with Local Rule 7.1. Defendant also asserts that its attached Uncontroverted Statement of Material Facts complies with **FEDERAL RULE OF CIVIL PROCEDURE 56**. Defendant explains that its attached Statement is merely a way to provide the Court with an organized listing of the facts it sets forth in the "factual background" section of its combined Motion and memorandum, complete with citations to the record. Defendant further states that this practice is not uncommon with the Southern District practices nor other district courts. In the alternative, Defendant requests leave of court to re-file its summary judgment motion without the attached Statement of Facts.

Replying (Doc. 24), Plaintiff still argues that Defendant has violated the plain language of the Court's rule limiting briefs to 20 pages and should not be allowed a "do over."

Unlike Plaintiff suggests, the Court does not find that Defendant, in filing its attached Statement of Uncontroverted Material Facts, has violated any of the Court's local rules or other federal rules of civil procedure. The attachment is not part of Defendant's brief but, instead, is a document the Court used to require but dropped this requirement with the last change in its local rules. However, just

because a separate statement of facts is no longer required does not mean it is prohibited, either. As such, the Court finds no valid reason for Defendant's dispositive motion. Accordingly, Plaintiff's Motion to Strike (Doc. 22) is **DENIED**.

IT IS SO ORDERED.

Signed this 8th day of June, 2009.

/s/ David R. Herndon

**Chief Judge
United States District Court**