

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

WELLS FARGO BANK, NA,

Plaintiff,

v.

Case No: 09-11249
Honorable David M. Lawson

MPC INVESTORS, LLC, DOMINIC MOCERI,
GERALD CARNAGO, FRANCIS V MOCERI,
MARIANO MOCERI, PETER K BURTON,
ROBERT M KATZMAN, LAURENCE R GOSS,
STEVEN BENTLEY, SALVATORE J
PALAZZOLO, SEBASTIAN D PALAZZOLO,
GREGORY A CARNAGO, and DOMINIC J.
MOCERI,

Defendants,

**ORDER DENYING
DEFENDANTS' MOTION
FOR ENTRY OF SATISFACTION
OF JUDGMENT AND TO QUASH
SUBPOENA FOR TAKING OF
CREDITOR'S EXAM**

v.

CHARLES SCHWAB AND COMPANY,
INCORPORATED, BANK OF AMERICA, NA,
AND PIERCE FENNER MERRILL LYNCH,

Garnishee defendants,

and

GREGORY A CARNAGO and GERALD CARNAGO,

Cross-Claimants,

v.

LAURENCE R GOSS, STEVEN BENTLY,
SALVATORE J PALAZZOLO, SEBASTIAN D
PALAZZOLO, PETER K BURTON, and ROBERT M
KATZMAN,

Cross-Defendants

_____ /

ORDER DENYING DEFENDANTS' MOTION FOR ENTRY OF SATISFACTION OF JUDGMENT AND TO QUASH SUBPOENA FOR TAKING OF CREDITOR'S EXAM

Presently before the Court is a motion by defendants Salvatore J. Palazzolo and Sebastian D. Palazzolo for entry of satisfaction of judgment and to quash a subpoena for the taking of a creditor's exam. In this district, movants must seek concurrence in the relief requested before filing a motion or request with this Court. E.D. Mich. LR 7.1(a). If concurrence is obtained, the parties then may present a stipulated order to the Court. If concurrence is not obtained, Local Rule 7.1(a)(2) requires that the moving party state in the motion that "there was a conference between the attorneys . . . in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought [] or . . . despite reasonable efforts specified in the motion, the movant was unable to conduct a conference." E.D. Mich. LR 7.1(a)(2).

The defendants do not state in their motion that concurrence was sought from the plaintiff before filing the motion. "It is not up to the Court to expend its energies when the parties have not sufficiently expended their own." *Hasbro, Inc. v. Serafino*, 168 F.R.D. 99, 101 (D. Mass. 1996). The defendants have filed their motion in violation of the applicable rules.

Accordingly, it is **ORDERED** that the defendants' motion for entry of satisfaction of judgment and to quash subpoena for taking of creditor's exam [dkt. #511] is **DENIED WITHOUT PREJUDICE**.

s/David M. Lawson
DAVID M. LAWSON
United States District Judge

Dated: November 23, 2011

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on November 23, 2011.

s/Deborah R. Tofil _____
DEBORAH R. TOFIL