

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DELPHI AUTOMOTIVE SYSTEMS, LLC,

Plaintiff,

Case Number 09-12295

Honorable David M. Lawson

v.

VENTIX BAJA TAPE & SUPPLY, INC.,

Defendant.

ORDER STRIKING DEFENDANT’S MOTION TO DISMISS OR TRANSFER VENUE

This matter is before the Court on the defendant’s motion to dismiss or transfer venue. However, the defendant did not comply with the local rules when it filed the motion, which will be stricken by the Court.

First, the local rules require that all papers presented for filing must be “double-spaced.” E.D. Mich. LR 5.1(a). The defendant’s motion, however, is single-spaced. Additionally, Eastern District of Michigan Local Rule 7.1(a) requires a movant to seek concurrence in the relief requested before filing a motion with this Court. 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 defendant does not state in their motion that concurrence was sought in the relief requested 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).

As a result of these flaws, the Court is unwilling to consider the motion.

Accordingly, it is **ORDERED** that the defendant's motion to dismiss or transfer venue [dkt # 4] is **STRICKEN**.

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

Dated: August 7, 2009

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 August 7, 2009.

s/Lisa M. Ware
LISA M. WARE