

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIBBLE, et al.,

Plaintiffs,

Civil Action No.
09-CV-13314

vs.

HON. MARK A. GOLDSMITH

SECURITY CORPORATION,

Defendant.

_____ /

**ORDER DENYING DEFENDANTS' [DE #63]
EMERGENCY MOTION TO STRIKE DEFENDANT'S [DE #60]
SECOND MOTION IN LIMINE**

On November 16, 2010, Plaintiffs filed an "Emergency Motion to Strike Defendant's Second Motion in Limine," docket entry # 63. On November 17, 2010, Defendant filed a response. Plaintiffs did not file a reply.

The filing that is the subject of the emergency motion, "Defendant's Additional Motion in Limine," docket entry # 60, complies with the 20-page limit set by E.D. Mich. LR 7.1(d)(3)(A)). Further, nothing in the Court's previous order granting an earlier request by Defendant for an extension of the page limit for a previously filed motion in limine limited the number of motions in limine that the parties were authorized to submit. Accordingly, Plaintiffs' motion is denied.

Plaintiffs are directed to file a response to "Defendant's Additional Motion in Limine," by December 6, 2010.

In addition, Defendants request costs and attorney fees related to responding to the motion,

citing *inter alia* Plaintiffs' failure to seek concurrence in accordance with E.D. Mich. LR 7.1(a). Local Rule 11.1 states that for knowing violations of the the Local Rules, "[t]he procedures for imposing sanctions and the nature of sanctions shall be as set out in Fed. R. Civ. P. 11(c)." The federal rule requires that a motion for sanctions "must be made separately from any other motion." See Fed. R. Civ. P. 11(c)(2). Defendant did not file a separate motion; it requested costs and fees within its response to the emergency motion to strike. Accordingly, the request is denied without prejudice.

SO ORDERED.

Dated: November 29, 2010
Flint, Michigan

s/Mark A. Goldsmith
MARK A. GOLDSMITH
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 29, 2010.

s/Deborah J. Goltz
DEBORAH J. GOLTZ
Case Manager