

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

TIMOTHY JENKINS,

Plaintiff and Counter-Defendant,

v.

Case No. 13-11091

BANK OF AMERICA, N.A.,

HON. TERRENCE G. BERG

HON. R. STEVEN WHALEN

Defendant and Counter-Plaintiff.

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**ORDER STRIKING PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT**

On December 5, 2013, Plaintiff Timothy Jenkins filed a motion for summary judgment (Dkt. 25). Plaintiff failed to comply with the Court's Local Rules 5.1(a)(3) and 7.1(a). Local Rule 5.1(a)(3) requires for all papers presented for filing that the "type size of all text and footnotes must be no smaller than 10-1/2 characters per inch (non-proportional) or 14 point (proportional)."<sup>1</sup> Local Rule 7.1(a) requires seeking concurrence in motions. This Court's practice guidelines note that "[t]he Court requires strict compliance with Local Rule 7.1(a) regarding concurrence, and the Court will impose costs for failure to comply with the Local Rule" and that "[t]he Court enforces the page limit set forth by E.D. Mich. LR 7.1(d)(3) and the formatting/type size requirements set forth by E.D. Mich. LR 5.1(a)."<sup>2</sup>

The Court, therefore, ORDERS the following:

(1) Plaintiff's motion for summary judgment (Dkt. 25) is STRICKEN.

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<sup>1</sup> While the Court believes that 12-point type is not objectively unreasonable for a Court filing, the rules require 14-point type, and if the motion were filed in 14-point type the brief would be overlong.

<sup>2</sup> [http://www.mied.uscourts.gov/Judges/guidelines/topic.cfm?topic\\_id=459](http://www.mied.uscourts.gov/Judges/guidelines/topic.cfm?topic_id=459).

(2) If Plaintiff would like to refile his motion for summary judgment, it must first conform to the Local Rules.

(3) Defendants' motion to consolidate briefing (Dkt. 27) is DENIED AS MOOT.

s/Terrence G. Berg  
TERRENCE G. BERG  
UNITED STATES DISTRICT JUDGE

Dated: December 23, 2013

#### **Certificate of Service**

I hereby certify that this Order was electronically submitted on December 23, 2013, using the CM/ECF system, which will send notification to each party.

By: s/A. Chubb  
Case Manager