

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**AMERICAN COMPENSATION  
INSURANCE COMPANY**

**PLAINTIFF**

**V.**

**NO. 1:18-CV-213-DMB-DAS**

**HECTOR RUIZ d/b/a Los Primoz  
Construction, et al.**

**DEFENDANTS**

**ORDER**

On October 1, 2021, Jesco, Inc. filed a motion for summary judgment, Doc. #245, a memorandum brief in support, Doc. #247, and an “Itemization of Material and Undisputed Facts in Support of Jesco, Inc.’s Motion for Summary Judgment,” Doc. #246.

Neither the Local Rules of this Court nor the Federal Rules of Civil Procedure contemplate or authorize the filing of a separate itemization of facts. *Automation Design & Sols., Inc. v. Yeliseyev*, No. 3:08-cv-589, 2012 WL 12974010, at \*4 (S.D. Miss. Feb. 29, 2012). Such filings provide an avenue for circumventing the page limits imposed by the Local Rules. *See Landrum v. Conseco Life Ins. Co.*, No. 1:12-cv-5, 2013 WL 6019303, at \*15 (S.D. Miss. Nov. 13, 2013) (statement of facts in motion deemed attempt to circumvent page limits). Any statement of facts should be incorporated in the memorandum brief submitted in support of the summary judgment motion. Accordingly, the itemization of facts [246] is **STRICKEN** and the motion for summary judgment [245] is **DENIED without prejudice**. Jesco may refile its motion for summary judgment in accordance with the Court’s procedural rules within three (3) days of the entry of this order. The refiled summary judgment motion and accompanying memorandum brief may not include any new legal argument or basis for summary judgment.

**SO ORDERED**, this 5th day of October, 2021.

/s/Debra M. Brown  
**UNITED STATES DISTRICT JUDGE**