

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

METROPOLITAN LIFE INSURANCE
COMPANY,

Plaintiff,

v.

BONNIE JEAN MCCOY, et al.,

Defendants.

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Case No. 4:14-CV-922 NAB

MEMORANDUM AND ORDER

This matter is before the Court on Defendant Douglas Wertenberger's Motion to Dismiss. [Doc. 8.] Defendant Wertenberger's Motion to Dismiss states in its entirety, "Comes now Defendant, Douglas Wertenberger, by and through his attorney, Scott D. Dale of Bloodworth Law Offices and moves this Court for an Order dismissing Plaintiff's Petition for failure to state a cause of action upon which relief may be granted." Local Rule 4.01 states, "Unless otherwise directed by the Court, the moving party shall file with each motion a memorandum in support of the motion, including any relevant argument and citations to any authorities on which the party relies. If the motion requires consideration of facts not appearing in the record, the party also shall file all documentary evidence relied upon." Because, Defendant Wertenberger's Motion to Dismiss does not include a contemporaneously filed memorandum of law with citations to legal authority and relevant argument, the Court will deny the Motion to Dismiss without prejudice.

Accordingly,

IT IS HEREBY ORDERED that Defendant Douglas Wertenberger's Motion to Dismiss is **DENIED without prejudice.** [Doc. 8.]

Dated this 10th day of July, 2014.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE