

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09cv384**

DONALD C. EMBRY,)
)
 Plaintiff/Counterclaim)
 Defendant,)

Vs.)

ORDER

CATHIE ST.-JOHN RITZEN, as)
 public administrator of the Estate)
 of Igor Sergeyeovich Melinetskiy,)
 deceased,)
)
 Defendant/Counterclaimant)
 & Third Party Plaintiff,)

Vs.)

U.S. XPRESS LEASING, INC.,)
 a Tennessee Corporation,)
)
 Third-Party Defendant.)

_____)

THIS MATTER is before the court on the following paper writing received from defendant via CyberClerk:

Motion, Joint Stipulation and Order Allowing the Filing of Defendant/Counterclaimant/Third Party Plaintiff/Third Party Counterdefendant's Amended Counterclaim and Amended Third Party Complaint.

Such combined motion and proposed Order, which has not been filed, has been sent

to the court in violation of Local Civil Rule 7.1(A), which provides as follows:

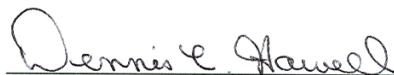
(A) Motions in Writing. Unless made during a hearing or trial, all motions must be put in writing **and filed as provided by LCvR 5.2(C)** and shall state with particularity the grounds of the motions and shall set forth the relief or Order sought. Motions will ordinarily be ruled upon without oral argument, unless otherwise ordered by the Court.

L.Cv.R. 7.1(A). The court simply cannot act on a proposed Order alone, and all counsel (who apparently signed off on such submission) are respectfully advised to review the Local Civil Rules as well as the Federal Rules of Civil Procedure, which govern motions practice.

ORDER

IT IS, THEREFORE, ORDERED that the Motion, Joint Stipulation and Order Allowing the Filing of Defendant/Counterclaimant/Third Party Plaintiff/Third Party Counterdefendant's Amended Counterclaim and Amended Third Party Complaint submitted to the court via CyberClerk is **STRICKEN**.

Signed: March 29, 2010



Dennis L. Howell
United States Magistrate Judge

