

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:12-cv-00316-FDW-DSC

LAC BELLE AMIE VINEYARD &)
WINERY, LLC; LA BELLE AMIE,)
LLC and CHARLES VICKI)
WEIGLE,)
)
Plaintiff,)
)
vs.)
)
CALCAREOUS VINEYARDS, LLC,)
)
Defendants.)
_____)

ORDER
and
NOTICE OF HEARING

THIS MATTER is before the Court sua sponte following Defendant’s filing of a document entitled “Objections to Plaintiffs’ Statement of Facts” (Doc. No. 32). Defendant apparently filed this in response to Plaintiffs’ Motion for Summary Judgment (Doc. No. 21). Notably, on the same day, Defendant filed a document entitled “Defendant Calcareous Vineyards’ Brief in Opposition to Plaintiffs’ Motion for Summary Judgment” (Doc. No. 30).

Under the standing orders governing this case, including the Case Management Order entered September 11, 2012, (Doc. No. 13), responses in opposition to dispositive motions shall not exceed 6,000 words. (Doc. No. 13, p. 7). Although Defendant’s response in opposition to Plaintiffs’ motion does not contain a certification of compliance with the word count limit, the Court has informally estimated the word count to be close to the 6,000 word limit. In any event, collectively, the response in opposition (Doc. No. 30) and the miscellaneous filing in Document Number 32 certainly exceed the acceptable word count limit for Defendant to respond to Plaintiff’s motion. In sum, Defendant’s supplemental document (Doc. No. 32) does not comply


with the Court's standing orders because it appears to be an attempt to evade the word count limit for responses to dispositive motions.

Accordingly, the Court hereby STRIKES Document Number 32 from the record in this case. The Court will wholly disregard the contents of that document. In response, Plaintiffs filed a miscellaneous document (Doc. No. 37) that questions the nature of Defendant's supplemental filing but also responds to the arguments made by Defendant therein. The Court hereby STRIKES that pleading (Doc. No. 37) as well.

Counsel is expected to immediately familiarize themselves with the Standing Orders of this Court and is cautioned that further failure to adhere to those orders could result in sanctions and/or fines. In addition, defense counsel should attach a certificate of compliance with the word count limit to all future filings in this matter.

TAKE NOTICE that a hearing on the parties' pending Motions for Summary Judgment (Docs. Nos. 21, 23) and Plaintiffs' Motion to Dismiss (Doc. No. 28) will take place before the undersigned on Wednesday, May 29, 2013, at 2:00 p.m. in Courtroom #1 of the Charles R. Jonas Federal Building, 401 West Trade Street, Charlotte, North Carolina, 28202. Oral arguments will be limited to 20 minutes for each side on all motions collectively. The parties may allocate their 20 minutes as they so wish.

Signed: May 15, 2013


Frank D. Whitney
United States District Judge

