

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:14-cv-00565-FDW-DCK

JOSEPH HINSON)	
)	
Plaintiff,)	
)	
vs.)	
)	ORDER
SOUTHEASTERN FREIGHT LINES,)	
INC.,)	
)	
Defendant.)	
)	
)	
<hr style="width:45%; margin-left:0"/>)	

THIS MATTER is before the Court *sua sponte* following the filing of Defendants’ Motion for Summary Judgment (Doc. Nos. 16, 17) and Plaintiff’s Response in Opposition (Doc. Nos. 20, 21). The Court notes that Defendant’s Memorandum (Doc. No. 17) failed to comply with this Court’s rules governing word count limits in civil cases before the Honorable Judge Whitney, Misc. No. 3:07-MC-47 (Doc. No. 2) (hereinafter, “the Initial Scheduling Order”). The Initial Scheduling Order was entered into the record by the Clerk of Court and served on both parties on October 14, 2014.

The Court also notes that Plaintiff’s Response (Doc. No. 21) failed to include a certificate by Plaintiff’s attorney stating that the submission complies with this Court’s word count limitation rules, as required by Paragraph (3)(b)(iv) of the Initial Scheduling Order.

Failure to comply with this Court’s rules governing word count limits in civil cases and exclusion of a certificate of compliance with these rules would ordinarily result in the non-conforming filing(s) being summarily stricken from the record. However, the Court directs as a remedy that the word limit on Defendant’s Reply to Plaintiff’s Memorandum in Opposition (Doc.

No. 21) be reduced by the same amount of words by which Defendants' Motion for Summary Judgment (Doc. No. 17) exceeded the established word limit. Accordingly, Defendant is directed to include with its Reply a certification of both the number of words by which the Motion for Summary Judgment exceeded the applicable word count limitation and the total word count for its Reply brief. Both parties are instructed to closely review the Court's rules in order to ensure future compliance with these rules.

IT IS SO ORDERED.

Signed: September 9, 2015

A handwritten signature in black ink, appearing to read "Frank D. Whitney", is written over a horizontal line. The signature is fluid and cursive.

Frank D. Whitney
Chief United States District Judge

