

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:17-cv-00373-FDW-DCK

CARMEN WAITE, )

Plaintiff, )

vs. )

PERFECT FIT INDUSTRIES, LLC, )

Defendant )

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ORDER

THIS MATTER is before the Court on Defendant’s Motion to Dismiss Plaintiff’s First Through Fourth and Sixth Causes of Action. (Doc. No. 5). On June 30, 2017, Defendant filed a Notice of Removal to Federal Court (Doc. No. 1) as well as its Motion to Dismiss. Thereafter, this case was assigned to the docket of the undersigned judge, and the Clerk entered and served an Initial Scheduling Order, which sets forth, *inter alia*, the requirements for pleadings in this Court.

Pursuant to the Court’s Initial Scheduling Order, “memoranda of law in support of or in opposition to any preliminary motion contemplated by this Order shall not exceed 4,500 words, and reply memoranda shall not exceed 1,500 words.” In re: Standing Order Governing Civil Case Management Before the Honorable Frank D. Whitney, No. 3:07-mc-00047-FDW, Doc. No. 2-4. On July 11, 2017, Defendant informed the Court that its Motion to Dismiss does not comply with this Court’s word limitation, which was unknown to Defendant at the time it filed its motion.

IT IS, THEREFORE, ORDERED that Defendant’s Motion to Dismiss Plaintiff’s First Through Fourth and Sixth Causes of Action (Doc. No. 5) is DENIED WITHOUT PREJUDICE.

Defendant may refile a motion to dismiss that complies with this Court's word limitation and other requirements contained in the Court's Standing Order.

IT IS SO ORDERED.

Signed: July 12, 2017

A handwritten signature in black ink, reading "Frank D. Whitney", written over a horizontal line.

Frank D. Whitney  
Chief United States District Judge

