

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>JOHN JOSEPH LIPTOK, et al.,</b>	:	<b>Civil No. 3:15-CV-156</b>
	:	
<b>Plaintiffs,</b>	:	
	:	
<b>v.</b>	:	<b>(Judge Munley)</b>
	:	
<b>BANK OF AMERICA,</b>	:	<b>(Magistrate Judge Carlson)</b>
	:	
<b>Defendant.</b>	:	

**ORDER**

**THE BACKGROUND OF THIS ORDER IS AS FOLLOWS;**

The plaintiffs, who are representing themselves in this lawsuit, filed a complaint on January 23, 2015, which named the Bank of America as the defendant. In their complaint the plaintiffs recited that they own and reside in one half of a duplex property in Schuylkill County, Pennsylvania. (Doc. 1.) According to the plaintiffs, the other half of this duplex is owned by the defendant who has failed to care for and maintain the property, despite agreeing to do so. (Id.) As a result of this alleged neglect and inaction by the defendant, the plaintiffs allege that their property has been damaged. Asserting that the defendant has breached promises made to them to properly maintain the property, the plaintiffs have sued Bank of America. (Id.)

This case is assigned to the undersigned for pre-trial management, and we are committed to assisting all parties in reaching a prompt and fair resolution of this matter. We also understand that the plaintiffs are proceeding *pro se*, and, therefore, we are consistently endeavoring to making allowances for their *pro se* status and are liberally construing the requests and pleadings that they may file. However, in order to ensure the fair administration of justice we must treat all parties equally, and insist that all parties meet certain minimum requirements. These minimal requirements are set forth in the Rules of this Court, and in the Standing Practice Order filed in this case. Among these requirements is an obligation that parties who file motions also file briefs in support of those motions, explaining the legal basis for their requests.

We remind all parties of this obligation because we have before us two motions filed by the plaintiffs. One of these motions seeks unusual relief, an order directing the defendant to pay the cost of any plaintiff expert witnesses. (Doc. 33.) The second motion seeks to compel the discovery of information. (Doc. 34.) While the plaintiffs filed these motions, their pleadings were unaccompanied by any brief explaining the legal basis for their requests. This failure to file a brief has consequences for the plaintiff since we are entitled to deem the plaintiff to have withdrawn a motion when he fails to properly support that motion by filing a brief in a timely fashion. See, e.g., Salkeld v. Tennis, 248 F. App'x 341 (3d Cir.2007) (affirming dismissal of motion

under Local Rule 7.5); Booze v. Wetzel, 1:12-CV-1307, 2012 WL 6137561 (M.D. Pa. Nov. 16, 2012) report and recommendation adopted, 1:CV-12-1307, 2012 WL 6138315 (M.D. Pa. Dec. 11, 2012); Breslin v. Dickinson Twp., 1:09-CV-1396, 2011 WL 1577840 (M.D.Pa. Apr.26, 2011) Prinkey v. Tennis, No. 09-52, 2010 WL 4683757 (M.D.Pa. Nov.10, 2010) (dismissal under Local Rule 7.5); Griffin v. Lackawanna County Prison Board, No. 07-1683, 2008 WL 4533685 (M.D.Pa.Oct.6, 2008) (dismissal under Local Rule 7.6).

Since the plaintiffs have not made the showing required to secure relief sought in these motions and the motions are not accompanied by a brief which would have explained the plaintiff's entitlement to relief, as required by the Local Rules, the motion for court order for payment of expert services (Doc. 33.), and motion to demand information, (Doc. 34.), are DENIED, without prejudice to resubmission if the pleadings are accompanied by a brief explaining the plaintiffs' legal entitlement to the relief that they seek.<sup>1</sup> IT IS FURTHER ORDERED, however, that Bank of America shall make initial disclosures to the plaintiffs, as required by Rule 26(a) of the Federal Rules of Civil Procedure on or before **November 30, 2015**. These initial disclosures may well address the substance of the plaintiffs' initial discovery requests.

---

<sup>1</sup>The defendant is also advised that the failure to timely submit briefs in support of their pretrial motions may result in the dismissal of those motions.

So ordered this 2d day of November 2015.

***S/Martin C. Carlson*** \_\_\_\_\_  
Martin C. Carlson  
United States Magistrate Judge