

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA**

Case No. 1:22-cv-24066-KMM

GRACE, INC., *et al.*,

Plaintiffs,

v.

CITY OF MIAMI,

Defendant.

**PLAINTIFFS' MOTION TO STRIKE THE CITY'S REPLY IN SUPPORT OF ITS
MOTION TO DISMISS PLAINTIFFS' SUPPLEMENTAL COMPLAINT**

Yesterday, the City filed a reply in support of its motion to dismiss Plaintiffs' Supplemental Complaint (ECF 123). For the reasons stated below, Plaintiffs move to strike this reply brief because it violates the Court's format and length requirements.

MEMORANDUM

Local Rule 7.1(c)(2) mandates that, "[a]bsent prior permission of the Court, . . . a reply memorandum shall not exceed ten (10) pages." Further, this Court's Paperless Pretrial Order entered on December 16, 2022 provides:

The parties are hereby on notice that this Court requires all filings to be formatted in 12 point Times New Roman font and double spaced, including any footnotes, with one inch margins on all sides. Failure to follow these formatting guidelines may result in the filing being stricken, any opposing filing being granted by default, and the imposition of other sanctions, including attorney's fees and costs.

ECF 7.

The body of the City's reply brief is clearly formatted in significantly less than double-

spaced type. Further, the footnotes of the brief are single-spaced. As filed, the brief is nearly ten pages long. If it were properly formatted, it would substantially exceed the ten-page limit. Therefore, the brief is in violation of the Court's format and length requirements and should be stricken for these reasons.

This is not the first time the City has flouted the Court's rules. The City's second motion to dismiss also violated the formatting requirements for footnotes. *See* ECF 80 at 8 n.4. And as Plaintiffs previously pointed out, the City improperly used a motion to strike Dr. Abbott's report on interim remedy (ECF 87) to evade the Court's page limits on the City's interim remedial brief. *See* ECF 92 at 3. Other filings of the City have featured block quotes that violate the clear commands of this Court's Paperless Pretrial Order of December 16, 2022. *See, e.g.*, ECF 34 at 13–14, 16; ECF 36 at 9, 15–16, 18–19; ECF 55 at 4, 12; ECF 86 at 8–11. In light of this pattern, Plaintiffs submit that the reply brief should be stricken. Moreover, because the City opposed this relief rather than correcting its violation voluntarily, the Court should award Plaintiffs' their attorneys' fees for bringing this motion, in the amount of \$2,500. Additional sanctions for the repeated violation of the Court's rules, if any, are well within the Court's sound discretion.

LOCAL RULE 7.1(a)(3) CERTIFICATE OF CONFERRAL

Plaintiffs' counsel conferred with counsel for the City, which opposes the relief requested by this motion.

Respectfully submitted this 13th day of October, 2023,

/s/ Nicholas L.V. Warren

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