

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 09-80396-CIV-MARRA

VISION MEDIA TV GROUP, LLC, a  
Florida limited liability company et al.,

Plaintiffs,

vs.

JULIA FORTE, personally and JULIA FORTE  
d/b/a www.800Notes.com, Advent LLC,

Defendants.

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**ORDER**

This cause is before the Court upon Plaintiffs' Motion to Strike Defendants' Motion to Dismiss or Motion for Summary Judgment, Motion to Strike Defendants' Posting their Motions on their Blog Website and Request for Additional Time to Respond to the Motion Pending Resolution of Plaintiffs' Motion to Strike (DE 19). The Court has carefully considered the motion and is otherwise fully advised in the premises.

The Court has reviewed Defendants' Motion to Dismiss or Motion for Summary Judgment and finds that it complies with the Southern District of Florida's Local Rules regarding page limitations, the filing of summary judgment motions and statements of material facts. See Local Rule 7.1(C)(2) and 7.5(A). The Court chooses not to include the table of content and table of authorities in calculating the page limit.


Next, Plaintiffs' motion does not provide any case law to support the entry of an order preventing Defendants from posting their motion for summary judgment on their blog internet

website. Although Plaintiffs do provide case law in its reply memorandum, that does not provide Defendants with the opportunity to file a response. See Rule 7.1(C) of the Southern District of Florida (“reply memorandum shall be strictly limited to rebuttal of matters raised in the memorandum in opposition”); Tallahassee Mem. Regional Med. Ctr. v. Bowen, 815 F.2d 1435, 1446 n.16 (11<sup>th</sup> Cir. 1987) (“it is well settled that a party cannot argue an issue in its reply brief that was not preserved in its initial brief”) citing United States v. Oakley, 744 F.2d 1553, 1556 (11<sup>th</sup> Cir. 1984). In any event, the motion for summary judgment is a matter of public record, and the Court sees no reason to prevent Defendants from posting their motion on their internet website or otherwise disseminating it.

With respect to a motion for an extension of time, the Court will grant Plaintiffs an extension of time. Plaintiffs shall respond to the motion **no later than February 25, 2010**.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Plaintiffs’ Motion to Strike Defendants’ Motion to Dismiss or Motion for Summary Judgment, Motion to Strike Defendants’ Posting their Motions on their Blog Website and Request for Additional Time to Respond to the Motion Pending Resolution of Plaintiffs’ Motion to Strike (DE 19) is **GRANTED IN PART AND DENIED IN PART**. Plaintiffs’ Motions to Strike are denied and Plaintiffs’ Request for Additional Time is granted.

**DONE AND ORDERED** in Chambers at West Palm Beach, Palm Beach County, Florida, this 4<sup>th</sup> day of February, 2010.

  
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KENNETH A. MARRA  
United States District Judge