



Coast to Coast Hole in One, LLC et al v. Higgins et al

2024 | Cited 0 times | D. Nevada | May 6, 2024

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

COAST TO COAST HOLE IN ONE, LLC, a Nevada Limited Liability Company, TERRY ULLESEIT, DENISE I. GEORGE, Plaintiffs v. , MICHAEL HIGGINS, TRACY HIGGINS, HOLE IN ONE PROMOTIONS, LLC, a Massachusetts Limited Liability Company, DOES I through X, ABC Corporations I through X, and BLACK AND WHITE COMPANIES I through X, Defendants

Case No.: 3:24-cv-00195-CSD

Order

The court has been made aware that Plaintiffs' counsel sent correspondence to Chief District Judge Du on May 3, 2024, enclosing courtesy copies of pleadings filed in state court before this matter was removed to federal court. The materials sent to Chief Judge Du included an order shortening time and setting a hearing on Plaintiffs' motion for temporary restraining order (TRO), which was filed in state court prior to Defendants' removal of this action. The correspondence states Plaintiffs' counsel's mistaken understanding that the hearing set by the state court judge for the motion for TRO (set for May 8, 2024 at 11:00 a.m.) would remain on calendar in this court.

Pursuant to Local Rule 81-1, all pending motions and other requests directed to the state court are automatically denied without prejudice upon removal, and then may be refiled in this court, and must be revised as necessary to comply with this court's rules. LR 81- 1.

As such, the motion for TRO filed in state court was automatically denied without prejudice upon Defendants' removal of this action to federal court. Plaintiffs may re -file their motion here, but they shall ensure compliance with all applicable Federal Rules of Civil Procedure as well as the Local Rules for the District of Nevada. Therefore, the Clerk shall STRIKE the reply brief filed in this court at ECF No. 7.

Finally, neither the Federal Rules of Civil Procedure nor the Local Rules for the District of Nevada countenance correspondence with the court for this purpose. In the future, all communications with the court shall be through a filing utilizing CM/ECF, unless specifically authorized by the Federal Rules of Civil Procedure or Local Rules for the District of Nevada. IT IS SO ORDERED. Dated: May



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6, 2024 _____ Craig S. Denney United States Magistrate Judge

