Lexis[®] *for* Microsoft Office[®] Tip Sheet–Check Cite Format*

General Information

- Check Cite Format finds citations in your document and checks them against the style manual selected in Set Cite Format. When proceeding through your document, Check Cite Format uses read order and will go from a footnote reference to the footnote itself and then back to the body of the document.
- Use **Set Cite Format** to 1) choose your style manual and 2) set your formatting preferences such as underlining or italicizing case names or whether to use "Id." when citing a source multiple times.
- You can achieve optimal results by performing Check Cite Format before using 1) Check Quotes or 2) Prepare TOA (Table of Authorities). However, you are not required to perform Check Cite Format first. You do need to perform Check Cite Format to automatically update the long/short formats of a citation.
- Lexis[®] for Microsoft Office[®] may automatically update the long and short formats of citations when you do the following:
- Move the location of the citations or

- Reference the citations more than once in the document

See "Decisions to consider" below for the specific scenarios under which Lexis *for* Microsoft Office will automatically update long and short formats without additional user input.

- In finding citations, a Lexis for Microsoft Office search is "over inclusive." It may pick up text that is not a citation. You may elect to treat the citation in the following ways:
- If the entire text is not a citation (e.g., the product identifies a ZIP code as a citation), simply select Not a Citation. Lexis *for* Microsoft Office will not include the citation in the TOA.
- If some of the text (but not all) is a citation, you can use
 Change cite boundaries to highlight what you specifically want to include as part of the citation to be checked.

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through December 31, 2013, showing that Gatsby's gross annual volume of sales was \$495,740.61.	LexisNexis 🔻 X			
II. DISCUSSION	Check Cite Format: The Bluebook®			
A. NATURE OF THE MOTION UNDER REVIEW	Citations: 40 #16 23 20 21 20 ¥0			
Fed. R. Civ. P. 12(b),(1) provides that a defendant may move to dismiss claim for "lack of subject matter jurisdiction." A Rule 12(b),(1) motion t				
dismiss may take the form of a facial attack on the complaint's allegatic or, as here, it may challenge the facts on which subject matter jurisdict	Correct All Add Citation Refresh Report			
depends. Holt v. United States, 46 F.3d 1000, 1002-03 (10th Cir. 1995). W party's Rule (12),(b) (1) motion challenges the facts upon which subject mat	C.R.S. § 8-6-101			
jurisdiction depends, "a district court may not presume the truthruiness (complaint's legal allegations. A court has wide discretion to allow	Parent: C.R.S. § 8-4-101 Suggestion: id 6 8-6-101			
disputed jurisdictional facts under Rule 12(b)(1)." Id. at 1001 (citation mitted, Such reliance on evidence outside the pleadings does not, as a				
rule, convert the motion to one for summary judgment under Fed.R.Civ.P. So unless resolution of the jurisdictional question is "intertwined with the	✓ Fed. R. Civ. P. 12(b)(1)			
of the case." Id. "When subject matter jurisdiction is dependent upon the = statute which provides the substantive claim in the case, the jurisdiction				
claim and the merits are considered to be intertwined." Wheeler v. Hurdman F.2d 257, 259 (10th Cir. 1987) (citation omitted). In that situation, a c	✓ Fed. R. Civ. P. 12(b)(1)			
required to convert the Rule 12(b)(1) motion into a Rule 56 summary judgm_ motion. Redmon R. United States, 934 F.2d 1151, 1155 [10th Cir. 1991].	Parent: Fed. R. CiV. P. 12(0)(1)			
In the instant case, Plaintiff's claim of federal jurisdiction is pred	Fed. R. Civ. P. 12(b)(1)			
jurisdiction and a violation of the FLSA, Plaintiff aust establish that G fulfills the definition of an "enterprise" for the purposes of the Act. 2	Parent: Fed. R. Civ. P. 12(b)(1)			
U.S.C. § 203(s).(1). Thus, the jurisdictional claim and the merits of this are intertwined. Defendants contend that because Gatsby's did not reach the				
minimum gross annual volume in the 2013 calendar year, this Court's does a have subject matter jurisdiction over Plaintiff's claims, nor has Plaintif	Holt v. United States, 46 F.3d 1000, 1002-03 (10th Cir. 1995)			
stated a violation of the FLSA. Therefore, the Court must convert Defendan motion to dismiss into a Rule 56 motion for summary judgment. See Jensen 1	J Ed. at 1001 (elastica amittad)			
Delisie v. LYG Corp., 535 F. Supp.2d 1266, 1267 (S.D. Fla. 2008) (converting a motion to dismiss to a motion for summary judgment where th	Parent: Holt v. United States, 46 F.3d 1000, 1002-03 (10th Cir. 1995)			
defendant alleged it did not reach the requisite \$500,000 minimum gross a volume of sales under the FLSA.)				
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	Id. at 1001 (citation omitted)			
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B. SUMMARY JUD GHEMT STANDARD				
Page: 2 of 5 Words: 5/2,246 🥸				

Information presented and decisions to consider when using Check Cite Format

Information presented:

- (A) Citation as it appears in your brief(B) Citation format suggested by
- Lexis for Microsoft Office

Decisions to consider:

1 Use Current

- a. If Correct format appears in the bottom box, clicking simply confirms that citation is correct.
- b. If a suggestion appears in the bottom box, clicking indicates that you want to leave the cite "as is" in the brief.
- c. If no suggestion appears in the bottom box, clicking indicates that you want to leave the cite "as is" in the brief.



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Fed. R. Civ. P. 12(b).(1) provides that a defendant may move to dismiss	Citations: 40 🖋 16 🚦 23 💟 0 😤 1 🜍 0 🗰 0
claim for "lack of subject matter jurisdiction." A Rule 12(b)(1) motion t dismiss may take the form of a facial attack on the complaint's allegatic	
or, as here, it may challenge the facts on which subject matter jurisdict depends. Holt v. United States, 46 E.3d 1000, 1002-03 (10th Cir, 1995). W	Correct All Add Citation Refresh Report
party's Rule (12)(b)(1) motion challenges the facts upon which subject may jurisdiction depends. "a district court may not presume the truthfulness	C.R.S. § 8-6-101
complaint's legal allegations. A court has wide discretion to allow affidavits, other documents, and a limited evidentiary hearing to resolve	Parent: C.R.S. § 8-4-101 Suggestion: Id. § 8-6-101
disputed jurisdictional facts under Rule 12(b)(1)." Id. at 1001 (citation paitted), Such reliance on evidence outside the pleadings does not, as a	
rule, convert the motion to one for summary judgment under Fed.R.Ciw.P. So unless resolution of the jurisdictional question is "intertwined with the	✓ Fed. R. Civ. P. 12(b)(1)
of the case." Id. "When subject matter jurisdiction is dependent upon the statute which provides the substantive claim in the case, the jurisdiction	
claim and the merits are considered to be intertwined." Wheeler x. Hurdney F.2d 257, 259 (10th Cir, 1987) (citation omitted). In that situation, a c	✓ Fed. R. Civ. P. 12(b)(1)
required to convert the Rule 12(b)(1) motion into a Rule 56 summary judgm motion. Redmon v. United States, 934 F.2d 1151, 1155 (10th Cir. 1991).	Parent: Fed. R. Civ. P. 12(b)(1)
In the instant case, Plaintiff's claim of federal jurisdiction is pred	
on her FLSA allegations. In order to establish both federal subject matter jurisdiction and a violation of the FLSA, Plaintiff must establish that G	Fed. R. CIV. P. 12(D)(1) Parent: Fed. R. Civ. P. 12(b)(1)
fulfills the definition of an "enterprise" for the purposes of the Act. 2: U.S.C. § 203(s),(1). Thus, the jurisdictional claim and the merits of this	
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nave subject matter jurisdiction over Flaintir's claims, nor has Flainti stated a violation of the FLSA. Therefore, the Court must convert Defendar	
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volume of sales under the FLSA.)	Current Citation 23
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	Id. at 1001 (citation omitted)
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4	Holt v. United States, 46 F.3d 1000, 1002-03 (10th Cir. 1995)		
5	Wheeler v. Hurdman, 825 F.2d 257, 259 (10th Cir. 1987) (citation omitted)		
~4	See Jensen v. Johnson County Youth Rasehall League, 838 F. Sunn, 1437, 144 E. 2.	4 1000 1002 03	(10th Ci
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	Allen v. Muskogee, Okl., 119 F.3d 837, 839 (10th Cir. 1997)		
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	29 C.F.R. § 779.265		
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0	Abdulhaseeb v. Calbone, 600 F.3d 1301, 1310 (10th Cir. 2010)		
t	Price v. Western Resources, Inc., 232 F.3d 779, 783 (10th Cir. 2000) (Rule 56		
4	Ball v. Renner, 54 F.3d 664, 669 (10th Cir. 1995)		
20	Smith v. City of Enid, 149 F.3d 1151, 1156 (10th Cir. 1998)		
10	Dela V Alliant Techeveteme 034 P 2d 830, 834 (1996)		
۵i	See Brereton v. Bountiful City Corp., 434 F.3d 1213, 1218 (10th Cir, 2006) (di		
	Correct format		

2 Use Suggestion

- a. If Correct format or no suggestion appears in the bottom box, this option will be grayed out.
- b. If a suggestion appears in the bottom box, clicking indicates that you want the suggestion used in your brief. A green checkmark will appear next to the button.
- (3) Not a Citation

This indicates the text identified as a cite by Lexis *for* Microsoft Office is "not a citation." The product will not include this text in the TOA.

- (4) Let me edit text of current citation After checking the box, you can edit the current citation in the top box. You then click Check Current to have the new citation reviewed.
- Change cite boundaries If the content highlighted does not contain part of the citation's text, click the link in the dialog box to activate a pop-up (see left) and highlight the text you want the product to check for citation formats. Then click Submit for the citation to be reviewed.

Also, use this feature to remove text extraneous to a citation.

6 Change parent

When a short form or id. citation is not properly associated with a full (parent) citation, click the link in the dialog box to activate a pop-up (see left). Choose the correct full (parent) citation from the pull-down menu, and click **Check parent**. If the new parent citation is validated, click **Submit** to effect the change.

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- Get suggested document View the source document in the Research Browser.
- Search Lexis[®] for the source document at Lexis Advance[®].
- (9) Correct All

Click **Correct All** to validate all citations with one suggestion for correction. A confirmation popup with a list of all citations to be corrected and the suggestions for correction will appear. Citations that have already been confirmed and corrected, confirmed and uncorrected or marked as "Not a Citation" will not be affected.

10 Add Citation

Highlight text that Lexis *for* Microsoft Office did not recognize as a citation and click the **Add Citation** button to include the text as a citation in the Check Cite Format report.

(1) Refresh Report

After initially running Check Cite Format, you add text to your document in the left-hand pane that includes new citations. Click **Refresh Report** to have those new citations reviewed/validated.

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