

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

MARSHA WOMACK,)	
)	
Plaintiff,)	
)	CIVIL ACTION NO. 1:11-cv-927-WHA
v.)	(WO)
)	
JPMORGAN CHASE BANK, N.A.,)	
)	
Defendant.)	

ORDER

This cause is before the court on the Plaintiff’s Motion to Strike (Doc. #60).

The Plaintiff, Marsha Womack (“Womack”) moves this court to strike portions of Chase’s Reply Brief in support of summary judgment and its Supplemental Evidentiary Submission, specifically its reference to and inclusion of a copy of a Motion for Immediate Pendente Lite Relief filed in Womack’s divorce action (Doc. # 55-3). Womack contends that this evidentiary submission was not mentioned in Chase’s initially-filed Motion for Summary Judgment and should therefore be struck. In response, Chase argues that a statement in the Motion for Immediate Pendente Lite Relief—Womack’s inability to bring the home mortgage current without assistance from her ex-husband—is a material issue in summary judgment. Chase also argues that it stated in its Initial Disclosures that it may use Womack’s divorce action filings to support its arguments, so the inclusion of these filings should come as no surprise.

After reviewing the arguments of the parties, the court finds that Womack’s Motion to Strike is due to be DENIED. The court will, however, give Womack additional time in which to file a brief response to this evidence.

Accordingly, it is hereby ORDERED as follows:

1. The Motion to Strike (Doc. #60) is DENIED.

2. The Plaintiff is given until **January 17, 2013** to file a supplemental brief which responds only to the evidence and argument regarding the Motion for Immediate Pendente Lite Relief filed in Womack's divorce action.

Done this 9th day of January, 2013.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE