

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

JAKE MENDEL, etc., et al.,	}	
	}	
Plaintiffs,	}	
	}	
v.	}	CIVIL ACTION NO.
	}	13-AR-1630-S
	}	
MORGAN KEEGAN & COMPANY,	}	
INC.,	}	
	}	
Defendant.	}	

**MEMORANDUM OPINION AND ORDER**

The motion filed on January 10, 2014, by the Mendel parties, seeking clarification or instructions, is GRANTED to the following extent. The court's order of December 3, 2013, was intended to convey the court's belief that discovery is complete and that the Mendel parties' original motion to vacate would be treated as the equivalent of a motion for summary judgment to be heard on February 4, 2014. The court used the phrase "evidentiary hearing" because the Supreme Court of Alabama had used it. The Supreme Court of Alabama could not have meant to eliminate Rule 56 as an adjudicative tool. The court obviously did not make itself clear.

The Mendel parties believe that they are now entitled to summary judgment on the materials already before the court, and that there is no need to supplement those materials, making an evidentiary hearing unnecessary. Both they and Morgan Keegan are hereby permitted **on or before January 20, 2014**, to file formal motions for summary judgment with accompanying briefs and

references to the allegedly undisputed evidence that would entitle them to judgment as a matter of law. **Within fourteen (14) calendar days** after any such summary judgment motions are filed, the opposing party or parties shall respond, after which the other party shall respond **within seven (7) calendar days**, after which the court will take under submission all then pending motions for summary judgment without oral argument unless the court finds that oral argument will be helpful. If Morgan Keegan wishes to invoke Rule 56(f), it shall do so **on or before January 20, 2014**.

After all motions for summary judgment are ruled upon, the court will advise the parties what, if anything, is necessary by way of further proceedings. Meanwhile, the evidentiary hearing scheduled for February 4, 2014, is CANCELLED.

DONE this 14th day of January, 2014.

  
WILLIAM M. ACKER, JR.  
UNITED STATES DISTRICT JUDGE