

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

<b>SANDRA CULLIVER,</b>	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL ACTION NO. 11-00257-KD-N</b>
	)	
<b>VOLUNTEERS OF AMERICA</b>	)	
<b>SOUTHEAST, INC.,</b>	)	
<b>Defendant.</b>	)	

**ORDER**

In lieu of submitting a brief separate and apart from its determinations of undisputed fact and law, Defendant Volunteers of America Southeast, Inc. (“VOASE”) chose to support its pending motion for summary judgment (Doc. 37) by filing a single 35-page document that sets forth VOASE’s proposed determinations of undisputed fact in enumerated paragraphs that are followed by a dozen pages of legal argument. (Doc. 35). In response, Plaintiff Sandra Culliver (“Culliver”) supplemented the evidentiary record (Doc. 44) and filed two documents: 1) a 12-page “Response to Defendant’s Statement of Undisputed Facts” (Doc. 43) that tracks the separately numbered paragraphs of VOASE’s proposed determinations of undisputed fact; and 2) a 15-page brief (Doc. 45). Now before the Court is VOASE’s objection (Doc. 50) to Culliver’s Response to Defendant’s Statement of Undisputed Facts, Culliver’s unauthorized memorandum in opposition (Doc. 51), and VOASE’s unauthorized reply (Doc. 52).

The Court does not agree with VOASE’s arguments that Culliver’s paragraph-by-paragraph response to VOASE proposed determinations “merely dumps lengthy factual assertions in the record,” (Doc. 50 at 2), and burdens the Court and defense counsel “with the task of searching for and addressing purported factual disputes that Culliver has not raised or addressed in her Opposition Brief” (*id.* at 3). First, Culliver’s response contains no fewer than

four dozen citations to the record. Accordingly, the cases that VOASE cites in support of its Objection, all of which involve a non-movant's failure to oppose summary judgment by referring specifically to evidence in record, are inapposite. Second, Culliver's submissions, combined, run afoul of neither Local Rule 7.1(b), which limits to 30 pages a brief filed in opposition to any motion, see SD ALA LR 7.1(b), nor Local Rule 7.2(b), which calls upon a party opposing summary judgment to "point out the disputed facts appropriately referenced to the supporting document or documents filed in the action." See SD ALA LR 7.2(b).

In accordance with the foregoing, VOASE's Objection is **OVERRULED**. To the extent that Culliver's memorandum in opposition requests that the Court tax against VOASE unspecified costs incurred by responding to VOASE's Objection, that request is **DENIED**. No rule or order called upon Culliver to respond to VOASE's filing.

**DONE and ORDERED** this 23<sup>rd</sup> day of **July 2012**.

/s/ Kristi K. DuBose  
**KRISTI K. DuBOSE**  
**UNITED STATES DISTRICT JUDGE**