

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:13cv545 (DFM)
	:	
\$822,694.81 IN UNITED STATES	:	
CURRENCY SEIZED FROM ACCOUNT	:	
NO. XXXXXXXX7424, ET AL.	:	
	:	
Defendants.	:	

ORDER

The docket in this case, involving multiple parties and filings, has become lengthy, complex, and confusing. The failure of the parties to comply with the Federal and local rules of civil procedure when filing motions and other documents has contributed to the lack of clarity. Counsel should take heed to follow carefully all filing requirements. In an effort to clarify the procedural posture of the case, the court enters the following orders:

- I. The Weycer Firm's Objection to Defendants' Summary Judgment Motion and Accompanying Rule 56(a)(2) Statement
 - A. On 9/28/2018, the court [111] denied defendants' [97] Motion for Summary Judgment without prejudice to refiling. On 10/18/2018, despite no pending motion, intervenor Weycer, Kaplan, Pulaski and Zuber (the "Weycer Firm) filed an [113] Objection to Defendants' [97] Motion for Summary Judgment and accompanying [112] Rule 56(a)(2)

Statement of Facts in Opposition. Therefore, the Weycer Firm's [113] Objection to Defendants' [97] Motion for Summary Judgment and accompanying [112] Rule 56(a)(2) Statement of Facts are OVERRULED AS MOOT because there was no pending motion to which to object.

B. On 10/28/2018, defendants filed a [119] Second Motion for Summary Judgment. The Weycer Firm's objection to defendants' motion is due by no later than 12/22/2018. The court notes that in the Weycer Firm's earlier opposition, the Weycer Firm's [112] Rule 56(a)(2) statement of facts in opposition did not comply with Local Rule 56(a)(2), which requires a party to "**include a reproduction of each numbered paragraph** in the moving party's Local Rule 56 (a)(1) Statement followed by a response to each paragraph admitting or denying the fact and/or objecting to the fact as permitted by Federal Rule of Civil Procedure 56(c)." D.Conn.L.Civ.R. 56(a)(2). (Emphasis supplied.) When the Weycer Firm files its objection to [119] defendants' Second Motion for Summary Judgment, the Weycer Firm must submit the required statement of material facts in opposition to summary judgment in compliance with Rule 56(a)(2).

II. The Weycer Firm's Motions for Summary Judgment

A. It appears that the Weycer Firm filed two renewed summary judgment motions. The Weycer Firm's [114] Renewed Motion for Summary Judgment is DENIED AS MOOT, in light of the subsequent filing of its [118] Motion for Summary Judgment Renewed. The Weycer Firm's [118] Motion for Summary Judgment Renewed is DENIED WITHOUT PREJUDICE TO REFILEING by no later than 12/22/2018 because the Weycer Firm did not file a new motion and accompanying memorandum of law. Rather, the Weycer Firm referred the court to its [94] Motion for Summary Judgment which the court already denied. When the Weycer Firm refiles, it shall file a new motion for summary judgment, accompanying memorandum of law and Rule 56(a)(1) statement of undisputed material facts.

B. Because the court has denied the Weycer Firm's [118] Motion for Summary Judgment Renewed without prejudice to refileing, defendants' [120] Memorandum in Opposition to [118] Motion for Summary Judgment is OVERRULED AS MOOT, and defendants should file a new memorandum in opposition and accompanying rule 56(a)(2) statement after the Weycer Firm refiles its motion for summary judgment.

III. Deborah Stuckey's Memorandum in Opposition to Defendants' Second Motion for Summary Judgment

A. On 11/16/2018, intervenor Deborah Stuckey filed a [123] Memorandum in Opposition to Defendants' [119] Second Motion for Summary Judgment, accompanied by exhibits and a Rule 56(a)(2) Statement of Material Facts. The Rule 56(a)(2) Statement of Material Facts does not comply with Local Rule 56(a)(2), which requires a party to "**include a reproduction of each numbered paragraph** in the moving party's Local Rule 56(a)(1) Statement followed by a response to each paragraph admitting or denying the fact and/or objecting to the fact as permitted by Federal Rule of Civil Procedure 56(c)." D.Conn.L.Civ.R. 56(a)(2). (Emphasis supplied.) Therefore, Stuckey's [123] Memorandum in Opposition to Defendants' [119] Second Motion for Summary Judgment is OVERRULED WITHOUT PREJUDICE TO REFILEING by no later than 12/22/2018. Stuckey's memorandum in opposition to summary judgment must be accompanied by a statement of material facts in opposition to summary judgment in compliance with Rule 56(a)(2). Defendants' [126] Reply to Stuckey's [123] Response to Defendants' [119] Second Summary Judgment motion is DENIED AS MOOT. When Stuckey

refiles her response, defendants may file a reply within 14 days in accordance with D.Conn.L.Civ.R. 7(d).

IV. Leon Li-Heng Lu's Motion for Summary Judgment and Response to the Parties' Summary Judgment Motions

A. Intervenor Leon Li-heng Lu's [117] Motion for Summary Judgment is DENIED WITHOUT PREJUDICE TO REILING by no later than 12/22/2018 because Lu failed to file a statement of undisputed material facts in accordance with D.Conn.L.Civ.R. 56(a)(1). When Lu re-files his motion, he must submit the required statement of undisputed material facts in compliance with Rule 56(a)(1). Because the court has denied Lu's [117] Motion for Summary Judgment without prejudice to reiling, defendants' [125] Memorandum in Opposition to [117] Motion for Summary Judgment is OVERRULED AS MOOT, and defendants should file a new memorandum in opposition and accompanying rule 56(a)(2) statement after Lu refiles his motion for summary judgment.

B. On 11/16/2018, Lu filed a combined [124] Response re [115] Second Motion for Summary Judgment, [114] Renewed Motion for Summary Judgment, [118] Motion for Summary Judgment Renewed, and [119] Second Motion for

Summary Judgment. As to [115] Stuckey's Second Motion for Summary Judgment and [119] defendants' Second Motion for Summary Judgment, Lu's response is OVERRULED WITHOUT PREJUDICE TO REFILEING by no later than 12/22/2018 because Lu failed to file an accompanying statement of facts in opposition to summary judgment, in accordance with D.Conn.L.Civ.R. 56(a)(2). When Lu re-files his memorandum in opposition, he must submit the required statement of facts in opposition to summary judgment in compliance with Rule 56(a)(2). As to the Weycer Firm's [114] Renewed Motion for Summary Judgment and [118] Motion for Summary Judgment Renewed, Lu's opposition is OVERRULED AS MOOT because the court has denied those motions without prejudice to refileing, and Lu should file a new memorandum in opposition and accompanying rule 56(a)(2) statement after the Weycer Firm refiles its motion for summary judgment. Defendants' [127] Reply to Lu's [124] Response to Defendants' [119] Second Summary Judgment motion is DENIED AS MOOT. When Lu refiles his response, defendants may file a reply within 14 days in accordance with D.Conn.L.Civ.R. 7(d).

Dated this 12th day of December, 2018 at Hartford,
Connecticut.

_____/s/_____
Donna F. Martinez
United States Magistrate Judge