

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF FLORIDA
PENSACOLA DIVISION**

**LOIS CHAVERS, Widow of JOE
CHAVERS, Deceased; and PAULA
R. SALVA, as Personal Representative
of the Estate of JOE CHAVERS,**

Plaintiffs,

v.

Case No. 3:05cv338/MCR/EMT

ALLIS CHALMERS, et al.

Defendants.

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ORDER AND NOTICE

The defendant, E.I. Du Pont De Nemours and Company (“Du Pont”), has filed a motion for summary judgment under Florida’s statute of repose (doc. 155) and a motion for summary judgment asserting that the plaintiffs are unable to prove the essential elements of their claim of negligence against Du Pont (doc. 157). The court will take the motions under advisement on **September 8, 2009**. A motion for summary judgment will result in a final judgment being entered for the moving party if “the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(c).

All evidentiary materials authorized to be filed under the Federal Rules of Civil Procedure must be filed with the court **prior to** the above advisement date. Only those evidentiary materials currently in the record or filed **prior to** the above date will be considered by the court in ruling on this motion. Additionally, the parties are directed to submit hard (*i.e.*, paper) copies of their motion and/or response and all supporting exhibits, along with any other evidentiary materials, to the undersigned’s chambers **prior to** the advisement date.

NOTICE: This order and notice does not pertain to the memoranda of law or statement of facts filed in connection with a motion for or opposition to summary judgment, and thus does not extend the time set forth in the Final Scheduling Order or Local Rules for filing these written materials. The parties are cautioned that the court will not consider untimely filed memoranda, statements of fact, or supporting exhibits and other evidentiary materials.

DONE and ORDERED this 18th day of August, 2009.

s/ M. Casey Rodgers

**M. CASEY RODGERS
UNITED STATES DISTRICT JUDGE**