

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

**STEPHEN LILLO, as Personal Representative
of the Estate of JOHN R. LILLO, JR.,**

Plaintiff,

v.

Case No. 3:06cv247/MCR/EMT

DANIEL A. BRUHN, et al.,

Defendants.

ORDER AND NOTICE

Defendants have filed nine motions for summary judgment. (Docs. 154-62). The court will take the motions under advisement on **April 23, 2009**.¹ 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).

¹ The motions for summary judgment were filed February 9, 2009. Through an oversight, the court failed to enter its standard advisement order shortly thereafter. Plaintiff sought, and received, leave to file his responses to the motions no later than April 1, 2009, and in fact did file his responses on that date. Had the advisement order been timely issued, the court would have co-ordinated the date for filing the responses with the date for filing evidentiary materials, *i.e.*, the date for both events would have been April 1, 2009. This date has now passed, with the parties apparently having filed all of the materials they wish to present to the court for summary judgment purposes. Nevertheless, in light of its failure to enter the instant order earlier and in an abundance of caution, the court will permit the parties to file additional summary judgment materials no later than April 23, 2009. The hard copies of the parties’ extensive materials—which should be properly organized and **fully tabbed and indexed** for the court’s convenient review—should also be submitted to chambers prior to the April 23, 2009, advisement date.

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 14th day of April, 2009.

sl M. Casey Rodgers

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