

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

HENRY COMPANY HOMES, INC.,

Plaintiff,

v.

Case No. 3:07cv288/LAC/EMT

CHRISTOPHER A. CURB,

Defendant.

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ORDER AND NOTICE

Defendant's motion for summary judgment (Doc. 5) will be taken under advisement by the Court on August 21, 2007. Because the Court does not contemplate scheduling a hearing on the motion, the parties are directed to file and serve responsive memoranda, affidavits, and any other documents or materials authorized to be filed under the Federal Rules of Civil Procedure before the above date. Only those pleadings and evidentiary materials currently in the record or filed prior to the above date will be considered by the Court in ruling on this motion.

The motion for summary judgment will result in a final judgment being entered for the moving party if the pleadings, depositions, answers to interrogatories, admissions,

affidavits, and any other appropriate evidentiary materials filed in the record show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. *See* FED. R. CIV. P. 56.

ORDERED on this 25th day of July, 2007.

s/L.A. Collier

Lacey A. Collier
Senior United States District Judge