

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

PACE PROPERTIES, LLC

Plaintiff

vs.

Case No. 3:08cv345/MCR/EMT

EXCELSIOR CONSTRUCTION, INC.

Defendant

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**ORDER AND NOTICE**

Plaintiff has filed a motion for summary judgment. (Doc. 63). The court will take the motion under advisement on **April 24, 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 10th day of April, 2009.

*s/ M. Casey Rodgers*

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