

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION**

AMERIS BANK, as assignee of )  
the Federal Deposit Insurance )  
Corporation, receiver of )  
Darby Bank and Trust Co., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
LEXINGTON INSURANCE COMPANY, )  
 )  
Defendant and Third- )  
Party Plaintiff, )  
 )  
v. )  
 )  
COASTAL BIOFUELS, INC., )  
 )  
Third-Party Defendant. )

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CASE NO. CV413-241

CLERK  
SOUTHERN DISTRICT OF GA.  
2015 SEP 21 PM 2:35  
U.S. DISTRICT COURT  
SAVANNAH, GA.


**ORDER**

Before the Court is Defendant Lexington Insurance Company's ("Lexington") Cross-Motion for Summary Judgment. (Doc. 85.) The Court previously granted Plaintiff Ameris Bank's Motion for Summary Judgment on its claim for breach of contract. (Doc. 82.) In addition, the Court permitted Defendants Lexington and Coastal Biofuels, Inc. ("Coastal") the opportunity to submit additional briefing regarding the issue of Defendant Lexington's entitlement to indemnity from Defendant Coastal. (Doc. 83.)

In response, Defendant Lexington filed a Cross-Motion for Summary Judgment. However, rather than actually take the time to brief the Court on the issue of indemnification, Defendant Lexington seeks to have its response to an earlier motion serve as its brief in support of the Cross-Motion for Summary Judgment. (Doc. 85, ¶ 6.) This Court does not accept piecemeal briefs that incorporate by reference arguments contained in other filings, leaving this Court with the dubious task of having to sift through filings and assemble a party's argument.

Therefore, Defendant Lexington's Cross-Motion for Summary Judgment (Doc. 85) is **DISMISSED WITHOUT PREJUDICE** and it is **DIRECTED** to file within forty-five days from the date of this order a new, freestanding motion for summary judgment. Both parties should be aware that the Court will not accept any filing that incorporates by reference any portion of an earlier filing. Defendant Lexington's motion, as well as Defendant Biofuel's response, should be stand-alone filings that independently contain all the arguments the parties wish the Court to consider.

SO ORDERED this 28<sup>th</sup> day of September 2016.

  
WILLIAM T. MOORE, JR.  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA