

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF ILLINOIS

AMERICAN FAMILY MUTUAL)	
INSURANCE COMPANY)	
)	
Plaintiff,)	
)	
v.)	Case No. 09-cv-523-JPG
)	
CHRISTOPHER COLEMAN,)	
<i>individually</i> , ANGELA DECICCO and)	
MARIO WEISS, <i>as Special</i>)	
<i>Administrators of the Estates of Sheri</i>)	
<i>Coleman, Garrett Coleman, and Gavin</i>)	
<i>Coleman, Deceased,</i>)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter comes before the Court on Plaintiff American Family Mutual Insurance Company's ("American") Motion for Summary Judgment (Doc. 36) filed on January 6, 2010.

Pursuant to Local Rule 7.1(c), Defendants' response was due thirty days after the motion was filed, but thirty days have passed and Defendants have not responded. The Court may, in its discretion, construe a party's failure to file a timely response as an admission of the merits of the motion. S.D. Ill. L. R. 7.1(c). Accordingly, the Court hereby **ORDERS** Defendants to **SHOW CAUSE** on or before March 12, 2010, why the Court should not construe their failure to timely respond to American's summary judgment motion as an admission of its merits and enter judgment accordingly. Further, the Court **DIRECTS** the Clerk of Court to mail a copy of this Memorandum and Order, American's Motion for Summary Judgment (Doc. 36), and the Court's Memorandum and Order (Doc. 28) of November 19, 2009, wherein it denied without prejudice American's request for default judgment as to Defendant Christopher Coleman, to Christopher Coleman, Monroe County Jail, 225 East Third Street, Waterloo, IL 62298. The Court warns

Coleman that if he is to respond to this Memorandum and Order, he will need to first explain his failure to appear or otherwise defend himself in this matter and show good cause why the Clerk of Court's Entry of Default (Doc. 14) should not be vacated. *See* Fed. R. Civ. P. 55(c).

IT IS SO ORDERED.

DATED: February 17, 2010

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE