

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

FREDERICK H. SHULL, JR.,)	
)	
Plaintiff,)	
vs.)	1:10-cv-0463-TWP-WGH
)	
WILLIAM R. CAST, et al.,)	
)	
Defendants.)	

Entry Discussing Selected Matters

I.

The plaintiff's motion to amend (Dkt. No. 83) is **GRANTED**. The fourth amended complaint is *amended by interlineation* to reflect the changes noted in the motion.

II.

The plaintiff's amended motion for partial summary judgment has been considered.

Summary judgment should be granted "if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to a judgment as a matter of law." Fed. R. Civ. P. 56(a). A "material fact" is one that "might affect the outcome of the suit." *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). "[A] party seeking summary judgment always bears the initial responsibility of informing the district court of the basis for its motion, and identifying those portions of 'the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any,' which it believes demonstrate the absence of a genuine issue of material fact." *Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986). A party asserting that a fact cannot be or is

genuinely disputed must support the assertion by “citing to particular parts of materials in the record” or show “that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.” Fed.R.Civ.P. 56(c)(1).

Shull’s amended motion for partial summary judgment (Dkt. No. 82) does not comply with the above rules and does not comply with the court’s Local Rules regarding summary judgment motions. Shull’s amended motion for partial summary judgment (Dkt. No. 82) is therefore **DENIED**.

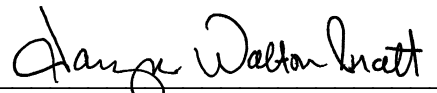
III.

The parties’ attention is directed to the telephonic status conference set for September 20, 2011(See Dkt. No. 96). Although various motions have been filed, and dispositive motions remain pending, the parties’ diligent attention to the further development and resolution of the action is expected.

To facilitate this, any proposed agenda pertaining to the telephonic status conference should be filed **not later than September 8, 2011**.

IT IS SO ORDERED.

Date: 08/25/2011



Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution attached.

Distribution:

Frederick H. Shull, Jr.
1008 West Third Street
Connersville, IN 47331

Michael Rosiello
Barnes & Thornburg LLP
mike.rosiello@btlaw.com

Scott E. Murray
Barnes & Thornburg LLP
smurray@btlaw.com