

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF KENTUCKY
CENTRAL DIVISION at LEXINGTON

CIVIL ACTION NO. 06-386-KSF

UNITED STATES OF AMERICA, *et al.*

PLAINTIFFS

and

WALTER GAFFIELD, *et al.*

INTERVENING PLAINTIFFS

V.

OPINION & ORDER

LEXINGTON-FAYETTE URBAN
COUNTY GOVERNMENT

DEFENDANT

This matter is before the Court on the motion [DE # 83] of the Defendant, Lexington-Fayette Urban County Government (“LFUCG”), pursuant to Rule 56 of the Federal Rules of Civil Procedure, for summary judgment in its favor and against Intervening Plaintiffs with respect to the Amended Intervening Complaint filed on July 27, 2007. LFUCG contends that the claims stated in the Amended Intervening Complaint are barred by the doctrine of res judicata due to the entry of the Consent Decree on January 3, 2011 [DE #77] and because the Intervening Plaintiffs’ claims raised in the Amended Intervening Complaint are now moot. The Intervening Plaintiffs have not filed any opposition to LFUCG’s motion for summary judgment, and the time for so filing has long expired. Additionally, LFUCG has notified the Court that the Intervening Plaintiffs do not intend to oppose the motion.

Under Local Rule 7.1(c), “[f]ailure to timely respond to a motion may be grounds for granting the motion.” Here, the Court, having reviewed the record and finding LFUCG’s motion

well taken, agrees that summary judgment is appropriate on the Intervening Plaintiffs' claims against LFUCG. Accordingly, LFUCG's motion will be granted.

For the foregoing reasons, the Court hereby **ORDERS** as follows:

- (1) LFUCG's motion for summary judgment [DE #83] is **GRANTED**, and summary judgment will be entered in favor of LFUCG; and
- (2) a judgment consistent with this Opinion & Order will be entered contemporaneously.

This April 14, 2011.



Signed By:

Karl S. Forester K S F

United States Senior Judge