

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA

FIRST BANK AND TRUST

CIVIL ACTION

VERSUS

NO. 18-5751

GULF ENGINEERING CO., LLC,  
STUART VINT MASSIMINI,  
WILLIAM NICHOLAS MASSIMINI, and  
THE UNITED STATES OF AMERICA

SECTION: M (5)

**ORDER & REASONS**

On July 17, 2018, plaintiff First Bank and Trust (“First Bank”) filed a motion for summary judgment regarding its claims against defendant William Nicholas Massimini (“W. Massimini”), which was set for submission on August 6, 2018.<sup>1</sup> Local Rule 7.5 of the United States District Court for the Eastern District of Louisiana requires that a memorandum in opposition to a motion must be filed no later than eight days before the noticed submission date. W. Massimini, who is represented by counsel, has not filed a memorandum in opposition to the aforementioned motion for summary judgment.

Accordingly, because the motion for summary judgment is unopposed, and it appearing to the Court that the motion has merit,<sup>2</sup>

IT IS ORDERED that First Bank’s motion for summary judgment against W. Massimini (R. Doc. 9) is GRANTED as unopposed.


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<sup>1</sup> R. Doc. 9.

<sup>2</sup> First Bank alleges that on January 25, 2018, defendant Gulf Engineering Company, LLC (“Gulf Engineering”) borrowed \$80,000 from First Bank, as evidenced by a promissory note and secured by a personal guarantee executed by W. Massimini, among other security. R. Doc. 1-1 at 4-6. First Bank also alleges that the promissory note is in default and instituted this action to collect on the promissory note through the security agreements. *Id.* at 3-4. First Bank supports its motion for summary judgment with the affidavit of James R. Noel, the Vice President and Manager of Special Assets at First Bank, in which he authenticates the promissory note and W. Massimini’s personal guarantee as business records of First Bank and attests that the note is in default. Therefore, it is undisputed that W. Massimini is indebted to First Bank for the amounts stated in the complaint and the motion for summary judgment.

IT IS FURTHER ORDERED that, having determined that there is no just reason for delay, this Court directs entry of a final judgment in favor of First Bank and against W. Massimini in the principal amount of \$80,000, together with \$1,335 in accrued interest and \$314 in late charges as of April 24, 2018, and interest on the unpaid principal amount at the rate of 6.75% per annum from April 24, 2018, until paid in full, and reasonable attorney's fees and all other costs incurred in the prosecution of this matter; less a credit in the amount of \$450 for partial payment made on April 27, 2018.

New Orleans, Louisiana, this 17th day of January, 2019.

  
BARRY W. ASHE  
UNITED STATES DISTRICT JUDGE