

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**WILLIAM D. AARON, JR., ET AL.**

**CIVIL ACTION**

**VERSUS**

**No. 22-09**

**ILLINOIS NATIONAL INSURANCE  
COMPANY, ET AL.**

**SECTION I**

**ORDER & REASONS**

Pending before the Court is Illinois National Insurance Company's ("Illinois National") motion<sup>1</sup> for leave to file a supplemental Rule 56(d) statement. Plaintiffs, a group of former directors of First NBC Bank (the "Former Directors"),<sup>2</sup> oppose<sup>3</sup> the motion.

On May 4, 2022, the Court granted<sup>4</sup> the Former Directors leave to file a reply memorandum<sup>5</sup> in support of their pending motion for summary judgment. The Former Directors' reply memorandum does not merely address legal arguments; it also includes an affidavit with several pages of exhibits, which are all now part of the record.<sup>6</sup> In the instant motion for leave, Illinois National contends that the Former

---

<sup>1</sup> R. Doc. Nos. 132.

<sup>2</sup> Specifically, the plaintiffs who oppose Illinois National's motion for leave include: William D. Aaron, Jr., Herbert W. Anderson, Dale Atkins, John C. Calhoun, William Carrouche, John F. French, Leon Giorgio, Jr., Shivan Govindan, Lawrence Blake Jones, Herman Moyse, III, Grish Roy Pandit, James Roddy, Jr., Charles Teamer, Joseph Toomy, and Richard M. Wilkinson.

<sup>3</sup> R. Doc. No. 133.

<sup>4</sup> R. Doc. No. 128.

<sup>5</sup> R. Doc. No. 130.

<sup>6</sup> R. Doc. No. 130-1.

Directors' reply memorandum "unfairly and improperly raises new arguments that were not part of the Directors' original motion for summary judgment[.]"<sup>7</sup>

When considering a motion for summary judgment, Federal Rule of Civil Procedure 56(c) requires a court "to give the non-movant an adequate opportunity to respond prior to a ruling." *Vais Arms, Inc. v. Vais*, 383 F.3d 287, 292 (5th Cir. 2004); *see also Deutsche Bank Nat'l Trust Co. v. Saihat Corp.*, No. 21-20002, 2021 WL 5830821, at \*2 (5th Cir. Dec. 8, 2021); *Thompson v. Dallas City Attorney's Office*, 913 F.3d 464, 471 (5th Cir. 2019) ("A district court does not abuse its discretion when it considers an argument raised for the first time in a reply brief so long as it gives the non-movant an adequate opportunity to respond prior to a ruling.") (internal citation and quotation marks omitted).

In light of the fact that the Court granted the Former Directors leave to file their reply memorandum with exhibits, and considering Illinois National's instant motion for leave, the Former Directors' opposition, and the applicable law,

**IT IS ORDERED** that Illinois National's motion<sup>8</sup> for leave is **GRANTED**. Illinois National's supplemental Rule 56(d) statement shall be filed into the record.

New Orleans, Louisiana, May 5, 2022.



---

**LANCE M. AFRICK**  
**UNITED STATES DISTRICT JUDGE**

---

<sup>7</sup> R. Doc. No. 132, at 2.

<sup>8</sup> R. Doc. No. 132.