

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GREATER NEW YORK MUTUAL INSURANCE
COMPANY a/s/o SAINT PAUL ARMS
CONDOMINIUM ASSOCIATION,
Plaintiff,

v.

CIVIL ACTION NO.
13-10164-MBB

LAVELLE INDUSTRIES, INC.,
Defendant, and

TOTO U.S.A., INC.,
Defendant and
Third-Party Plaintiff,

v.

ERIK DEUTSCH and JULIE HONG,
Third-Party Defendants.

**PROCEDURAL ORDER RE:
THIRD-PARTY DEFENDANTS ERIK DEUTSCH AND JULIE HONG'S
MOTION FOR SUMMARY JUDGMENT (DOCKET ENTRY # 73) AND
DEFENDANT LAVELLE INDUSTRIES, INC.'S MOTION FOR
LEAVE TO FILE MOTION FOR SUMMARY JUDGMENT
(DOCKET ENTRY # 75)**

May 2, 2016

BOWLER, U.S.M.J.

Pending before this court is a motion for leave to file a summary judgment motion filed by defendant and third-party plaintiff Lavelle Industries, Inc. ("Lavelle") (Docket Entry # 75) and a summary judgment motion filed by third-party defendants Erik Deutsch ("Deutsch") and Julie Hong ("Hong") (Docket Entry #

73). Trial is set to commence on July 25, 2016 in this case, which is now more than three years old.

In order to provide the parties notice and an opportunity to be heard, all parties, including plaintiff Greater New York Mutual Insurance Company, are afforded up to and including May 16, 2016 to file an additional memorandum of no more than five pages addressing the issue of considering the two summary judgment motions at this late date.¹ Lavelle's motion for leave already explains the basis for its late filing. Deutsch and Hong's motion similarly provides reasons for the recent filing of their motion. Thus, additional filings are not required. Rather, the filing is optional and entirely at the discretion of the parties.

 /s/ Marianne B. Bowler
MARIANNE B. BOWLER
United States Magistrate Judge

¹ Any additional filing is strictly limited to the above issue. It is not an opportunity to raise or address any other argument or issue.