

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

THE PRUDENTIAL INSURANCE COMPANY, <div style="text-align: right;">Plaintiff(s),</div> <div style="text-align: center;">v.</div> FAITH LEE, et al., <div style="text-align: right;">Defendant(s).</div>		Case No. 2:17-CV-900 JCM (VCF) <div style="text-align: center;">ORDER</div>
---	--	--

This is an interpleader action initiated by plaintiff Prudential Insurance Company of America. (ECF No. 1). Presently before the court is defendant Faith Lee’s motion for summary judgment, which Lee filed on April 20, 2017, at the same time as filing an answer to the complaint. (ECF No. 5). On May 11, 2017, plaintiff Prudential Insurance Company of America filed a notice of non-opposition to Lee’s motion for summary judgment, noting that Prudential is “a neutral stakeholder of the life insurance proceeds at issue.” (ECF No. 7).

On June 13, 2017, Lee submitted a proposed order granting summary judgment, which noted that the deadline to file a response to summary judgment was May 11, 2017 and that, as of that date, none of the codefendants had done so. (ECF No. 17). Prudential objected to the proposed order. (ECF No. 20).

On June 19, 2017, codefendant Petra Wilson filed a response in opposition to Lee’s motion for summary judgment. (ECF No. 27).

This court declines to grant Lee’s motion for summary judgment because it is facially defective. Lee’s motion for summary judgment fails to include a supporting memorandum of points and authorities as required by Local Rule 7-2(a). The failure of a moving party to file points

1 and authorities in support of a motion constitutes consent to denial of the motion. LR 7-2(d).

2 Furthermore,

3 Motions for summary judgment and responses thereto must include a concise
4 statement setting forth each fact material to the disposition of the motion that the
5 party claims is or is not genuinely in issue, citing the particular portions of any
6 pleading, affidavit, deposition, interrogatory, answer, admission, or other evidence
7 on which the party relies.

8 LR 56-1. However, Lee's motion for summary judgment contains no citations whatsoever—it
9 fails to point this court to any portion of a pleading, affidavit, deposition, interrogatory, answer,
10 admission, or other evidence that supports Lee's arguments. See (ECF No. 5). Nor did counsel
11 attach any evidence to the motion itself. Id.

12 Accordingly,

13 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Faith Lee's motion for
14 summary judgment (ECF No. 5) be, and the same hereby is, DENIED.

15 IT IS FURTHER ORDERED that Faith Lee's proposed order (ECF No. 17) be, and the
16 same hereby is, STRICKEN from the record.

17 DATED August 15, 2017.

18 
19 _____
20 UNITED STATES DISTRICT JUDGE
21
22
23
24
25
26
27
28