

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

| | | |
|----------------------------------|---|--------------------------------------|
| | : | |
| UNITED STATES OF AMERICA, | : | |
| | : | |
| Plaintiffs, | : | Civil Action No. 11-618 (FSH) |
| | : | |
| v. | : | |
| | : | |
| JOSEPH G. SCUGOZA, et al. | : | ORDER ON INFORMAL |
| | : | APPLICATION |
| | : | |
| Defendants. | : | |
| | : | |

This matter having come before the Court by way of letter dated July 14, 2011, regarding defendant Country Bank's request for leave to file a motion for summary judgment;

and the Court having conducted a telephone conference on the record on July 18, 2011;

and the Court being advised that defendant Scugoza has not entered an appearance;

and the Court being further advised that the plaintiff and defendant Country Bank do not believe any discovery will be needed to resolve the core claim between them in this case, namely whether the federal tax lien or the bank's lien has priority;

and for the reasons discussed during the telephone conference;

IT IS ON THIS 18th day of July, 2011

ORDERED that, no later than **July 26, 2011**, defendant Country Bank shall provide the plaintiff with the factual record upon which it will rely in support of its motion for summary judgment;

IT IS FURTHER ORDERED that, no later than **August 2, 2011**, the plaintiff shall notify

the Court and defendant Country Bank if discovery is needed to respond to the motion for summary judgment. If the plaintiff represents that no discovery is needed, then the motion for summary judgment shall be filed no later than **August 19, 2011**. The response shall be filed no later than **September 6, 2011** and the reply shall be filed no later than **September 12, 2011**. The return date shall be **September 19, 2011** before the Hon. Faith S. Hochberg. Her Honor's Chambers will notify the parties if oral argument will be required. If the plaintiff indicates that discovery is needed, then it shall request a telephone conference to discuss the discovery needed; and

IT IS FURTHER ORDERED that if defendant Scugoza enters an appearance, then the parties shall request a conference.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE