

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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U.S. BANK TRUST, N.A., *as Trustee for LSF9*
Master Participation Trust,

Plaintiff,

ORDER

-against-

16-CV-7033 (CS)

REBECCA MARRERO GEBMAN, a/k/a
"Rebecca Marr Gebman,"

Defendant.

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Seibel, J.

On December 15, 2017, Plaintiff moved for summary judgment in the instant action. (Doc. 51.) In support of that motion, Plaintiff filed statements of facts, (Doc. 51-1), that do not comply with Federal Rule of Civil Procedure 56(c) or Civil Local Rule 56.1(d).

According to Rule 56(c), a party asserting that a fact cannot be disputed must support that assertion by citing to particular portions of the materials in the record or by showing that the materials cited do not establish the presence of a genuine dispute. *See Fed. R. Civ. P. 56(c)(1)(A)-(B).* Civil Local Rule 56.1(d) further provides that each statement of material fact to which the movant contends there is no genuine issue to be tried "must be followed by citation to evidence which would be admissible." If a party fails to properly support an assertion of fact, the Court may, among other things, give that party an opportunity to properly support the unsupported facts. *See Fed. R. Civ. P. 56(e)(1).*

Plaintiff's statements of material fact are unaccompanied by citations to the evidence that support Plaintiff's assertion that the facts are undisputed. Accordingly, Plaintiff is ordered to resubmit its statements of fact, with citations to the record for each asserted undisputed fact, no

later than 7 days from the date of this Order. No other alterations other than the addition of the citations are permitted. Defendant shall then file her response, if any, no later than 7 days from her receipt of Plaintiff's revised statements of fact. If Defendant does not respond within the allotted time, the Court will instead consider her prior response, filed January 18, 2018, (Doc. 55 at 1-7), to Plaintiff's 56.1 Statements in deciding the motion.

SO ORDERED.

DATED: July 2, 2018
White Plains, New York



UNITED STATES DISTRICT JUDGE