

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:04cv247-MU

UNUM LIFE INSURANCE )  
COMPANY OF AMERICA, )  
Plaintiff, )  
 )  
v. )  
 )  
DERRICK MACK, *et al.*, )  
Defendants. )  
\_\_\_\_\_ )

ORDER

THIS MATTER is before the court upon its own motion. Defendant Patricia Nichols, individually and as Administratrix of the Estate of Tasha Nichols Mack, and Defendant Melvin Nichols have filed a Motion for Summary Judgment with a supporting brief against Defendant Derrick Mack in this interpleader.

It appears that these Defendants may be entitled to summary judgment in this action as a matter of law. Therefore, Defendant Derrick Mack is directed to file a response as described below:

**TO THE DEFENDANT, DERRICK MACK, READ THE FOLLOWING VERY CAREFULLY:**

You are advised that under the provisions of Fed.R.Civ.P. 56(e) you are required to file a brief written argument opposing the Defendants’ brief supporting the Motion for Summary Judgment. If you do not file such written argument, the court may grant the motion and enter summary judgment against you. If you do file such written argument the court will consider it to determine if any genuine issue of material fact appears, and thereafter will either grant or deny the Motion for Summary Judgment.

Within fourteen (14) days of the date of entry of this Order, you must submit these materials or request an extension of the deadline for submission of these materials. If you file any affidavits or unsworn statements made under penalty of perjury opposing the Defendants' Motion for Summary Judgment, the statements must either be sworn statements containing the seal of a notary public or must be signed and dated following a declaration which states:

"I declare under penalty of perjury that the foregoing is true and correct."

You are hereby advised that you have fourteen (14) days from the filing of this Order in which to file your response to the Motion for Summary Judgment. If you fail to respond to this motion, the court will proceed to decide the matter. A copy of the response must be served on Defendants and a certificate of service must be filed with the court showing that a copy has been sent to counsel for Defendants.

IT IS THEREFORE ORDERED that Defendant Derrick Mack has fourteen (14) days from the filing of this Order in which to respond to Defendants' Motion for Summary Judgment.

The Clerk is directed to certify copies of this Order to Defendant Derrick Mack. The Clerk is specifically directed to send Defendant Mack's copy by **certified mail, return receipt requested**.

Signed: April 25, 2011



Graham C. Mullen  
United States District Judge

