

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION

3:10cv437

JORJA PROPERTIES, LLC, )  
 a South Carolina Limited Liability )  
 Company, and PAUL R. )  
 STEADMAN, )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 MIDTOWN SUNDRIES )  
 ELIZABETH, LLC, a North )  
 Carolina Limited Liability Company,) )  
 and LUTHER G. CAUDLE, )  
 )  
 Defendants. )  
 \_\_\_\_\_)

ORDER

THIS MATTER is before the court upon its own motion. Plaintiffs filed a Motion for Summary Judgment along with a supporting brief on May 18, 2011. Defendants’ counsel was allowed to withdraw on February 11, 2011 and, to date, no one has entered an appearance on behalf of the Defendants.

It appears that the Plaintiffs may be entitled to summary judgment in this action as a matter of law. Therefore, Defendants are directed to file a response as described below:

**TO THE DEFENDANTS, LUTHER G. CAUDLE and MIDTOWN SUNDRIES ELIZABETH, LLC, 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 Plaintiffs’ 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 Plaintiffs' 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 Plaintiffs and a certificate of service must be filed with the court showing that a copy has been sent to counsel for Plaintiffs.

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

The Clerk is directed to certify copies of this Order to Defendants. The Clerk is specifically directed to send Defendants' copy by **certified mail, return receipt requested, to 18405 Harborside Drive, Cornelius, NC 28031.**

Signed: July 7, 2011



Graham C. Mullen  
United States District Judge

