

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ENTERED

DEC - 4 2003

U.S. CLERK'S OFFICE
INDIANAPOLIS, INDIANA

JAMES A. KNAUER, as Court Appointed)
Receiver,)
)
Plaintiff,)
vs.) 1:03-cv-279-JDT-TAB
)
LESLIE REED,)
)
Defendant.)

ENTRY CONCERNING SELECTED MATTERS

The court, having considered the above action and the matters which are pending, makes the following rulings:

1. The plaintiff did not provide the information required by *Lewis v. Faulkner*, 689 F.2d 100 (7th Cir. 1982), despite the fact that the defendant is known to be proceeding pro se. Consistent with the notice required by *Lewis* and Local Rule 56.1(i), therefore, the defendant is **notified** of the following:

a. To properly and successfully oppose the plaintiff's motion, she must establish either that (a) there is a genuine issue of material fact concerning the issues in the case or (b) that even without such a genuine issue of fact the plaintiff is not entitled to judgment as a matter of law.

b. In order to create a genuine issue of material fact the plaintiff may not rely simply on her answer to the complaint. She may present her own affidavit, and/or deposition, the affidavits and/or depositions of others attesting to relevant facts, so long as the statements in such affidavits or depositions are based on personal knowledge of the person making the affidavit or giving the deposition.

c. In addition to affidavits, the defendant may oppose the plaintiff's motion by presenting properly authenticated documents (records) and may rely on discovery materials provided either by herself or others.

d. If the plaintiff prevails on its motion for summary judgment, the defendant/third-party plaintiff will be foreclosed from proceeding further in this case relative to the allegations in the plaintiff's complaint. She should therefore view the plaintiff's motion in that way--a critical step in this case which she cannot ignore or overlook--unless she is willing to risk the consequences. A failure to respond to a motion for summary judgment in a timely manner could result in a judgment being entered against her as to the claim(s) in the complaint.

2. The defendant shall have **through December 29, 2003**, in which to respond to the motion for summary judgment. This response must include, at a minimum, a concise statement in response to each numbered paragraph in the plaintiff's Rule 56.1(a) statement of undisputed facts. This is a requirement of Local Rule 56.1(b).

IT IS SO ORDERED.

Date: _____

12/2/2003



JOHN D. TINDER, Judge
United States District Court

Copies to:

James Knauer
111 Monument Circle Suite 900
Indianapolis, IN 462045125

Leslie Reed
9924 Tudor Court
Fishers, IN 46038