United States Bankruptcy Court
District of Massachusetts

In re:	)	
	)	
NANCY E. PATCHELL,	)	Chapter 13
DEBTOR.	)	Case No. 02-45551-JBR
	)	
	)	
NANCY E. PATCHELL,	)	
Plaintiff,	)	
	)	Adversary Proceeding
v.	)	No. 04-04460
	)	
OPTION ONE MORTGAGE	)	
CORPORATION *et al.*.	)	
Defendants.	)	

ORDER ON PLAINTIFF'S MOTION FOR POST NON-EVIDENTIARY HEARING BRIEF AND DEFENDANTS' MOTION TO STRIKE PLAINTIFF'S POST HEARING BRIEF FROM NON-EVIDENTIARY HEARING OF SEPTEMBER 09, 2005 .

This matter came before the court on the Plaintiff's Motion for Post Non-Evidentiary Hearing Brief [Docket No. 179], to which she appended Plaintiff's Post Hearing Brief From Non-Evidentiary Hearing of September 09, 2005 [Docket No. 178]. Shortly thereafter Defendants filed their Opposition to Plaintiff's Motion for Post Non-Evidentiary Hearing Brief [Docket No. 180], and Motion to Strike Plaintiff's Post Hearing Brief From Non-Evidentiary Hearing of September 9, 2005 [Docket No. 181]. After Consideration of the pleadings and a review of the transcript from the non-evidentiary hearing of September 9, 2005, it is hereby FOUND and ORDERED:

1. The Court neither invited, nor did it imply that Plaintiff was free to file a Post Hearing Brief. Rather, the Court emphasized the difficult work it faced because of the Plaintiff's failure to comply with Fed. R. Civ. P. 56 adopted by Fed. R. Bankr. P. 7056 and District Local Rule 56.1 adopted by MLBR 7056-1. Additionally, as stated in the Defendants' Opposition to Plaintiff's Motion and in Defendants' Motion to Strike, the September 6, 2005 deadline for filing responses to Defendants' Motion for Summary Judgment imposed by this Court has long since passed.

2. The Court is unable to find any applicable rule of Civil Procedure that would permit it to allow Plaintiff's Brief. Additionally, Fed. R. Civ. P. 7 and Fed. R. Civ. P. 15 as cited by the Plaintiff are inapplicable.

3. Because the Plaintiff's Brief does not comply with the applicable Federal and Local Rules of Civil Procedure that govern Summary Judgment and Motion Practice, because the Court did not invite Plaintiff to file her brief, and because her additional response to Defendants' Motion for Summary Judgment is not timely, Defendants' Motion to Strike is hereby GRANTED.

4. Plaintiff's Motion for Post Non-Evidentiary Hearing Brief is hereby DENIED.

Dated: September 23, 2005

Joel B. Rosenthal