

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

EUGENIA W. HAMILTON,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.: 2:15-cv-01142-SGC
	)	
FIDELITY WARRANTY SERVICES,	)	
	)	
Defendant.	)	

**MEMORANDUM OPINION**

This matter is before the court on Defendant's motion for summary judgment, filed on May 16, 2016. (Doc. 19). In support of its motion, Defendant argues summary judgment is due to be granted as to Plaintiff's breach of contract claim because she failed to perform and as to her fraud claim because it is barred by the statute of limitations. (Doc. 20 at 2).<sup>1</sup> Defendant further argues Plaintiff failed to provide sufficient evidence to support her contention that she relied on any representation outside of the four corners of the service contract itself. (*Id.* at 3).

On September 1, 2015, this court entered an initial order establishing certain deadlines for responding to motions. (Doc. 13). The initial order provides that when a motion for summary judgment is filed, the non-moving party must respond within twenty-one (21) days. (*Id.*). Plaintiff did not file any response to Defendant's motion within the timeframe ordered by this court. On August 3, 2016, this court ordered Plaintiff to show cause why the motion should not be granted as unopposed and gave her seven days to do so. (Doc. 21). To date, Plaintiff has not responded to Defendant's motion for summary judgment, nor has she responded to the court's order to show cause why the motion should not be granted as unopposed.

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<sup>1</sup> On August 9, 2016, this court dismissed the fraud claim – set forth in Count Two of the complaint – because it failed to meet the pleading standard and was barred by the statute of limitations. (Doc. 22). Therefore, the motion for summary judgment is moot as to Plaintiff's claim for fraud.

For the reasons stated above, the motion for summary judgment (Doc. 19) will be granted as unopposed. A separate final judgment will be entered.

**DONE** this 9th day of September, 2016.

  
STACI G. CORNELIUS  
U.S. MAGISTRATE JUDGE