

FILED

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

2015 DEC 28 PM 4:24

CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY \_\_\_\_\_  
[Signature]

THOMAS L. TAYLOR III, SOLELY IN  
HIS CAPACITY AS COURT-  
APPOINTED RECEIVER FOR  
ROBERT A. HELMS, *ET AL.*,  
PLAINTIFF,

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

CAUSE NO. 1:15-CV-1223-LY

V.

MICHAEL SAMOUCÉ,  
DEFENDANT.

**ORDER**

Before the court is Plaintiff Receiver’s Motion for Partial Summary Judgment against Defendant Michael Samouce filed October 21, 2015 (Doc. #15). Plaintiff seeks summary judgment against Defendant with regard to Counts I and II of Plaintiff Receiver’s Original Complaint.

Defendant’s response was due November 11, 2015. *See* W.D. Tex. Local R. CV-7(e) (requiring party opposed to motion to respond within 14 days of service of motion and allowing district court to grant motion as unopposed if no timely response is filed). Pursuant to Local Rule CV-7(e)(2), Plaintiff’s motion may be granted as unopposed, if review of the pleadings reveals that summary-judgment is warranted. *Cf. John v. Louisiana Bd. of Trs. for State Colls. & Univs.*, 757 F.2d 698, 707–10 (5th Cir. 1985). As of the date of this order, Defendant has not filed a response to the motion for partial summary judgment. Having reviewed the motion and summary-judgment evidence at issue in this cause, the court finds that summary judgment is warranted.

**IT IS THEREFORE ORDERED** that Defendants’ Motion for Partial Summary Judgment filed September 1, 2015 (Doc. #17) is **GRANTED TO THE EXTENT** that Defendant Michael Samouce is liable to Plaintiff in the amount of \$390,283.64, with respect to Counts I and II of Plaintiff Receiver’s Original Complaint.

**IT IS FURTHER ORDERED** that the parties are to submit to the court a Proposed Agreed Scheduling Order, in accordance with Federal Rule of Civil Procedure 26(f), that follows the form scheduling order of this court located on the website for the United States District Court for the Western District of Texas ([www.txwd.uscourts.gov](http://www.txwd.uscourts.gov)), the "Forms" tab, "Civil," "Austin Division," "Proposed Scheduling Order for Judge Yeakel," **on or before January 29, 2016.**

SIGNED this 28<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE