

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

MARISSA GIANNERINI,

Plaintiff,

v.

Case No: 6:22-cv-2075-RBD-LHP

EMBRY-RIDDLE AERONAUTICAL
UNIVERSITY, INC.,

Defendant

ORDER
(And Direction to Clerk of Court)

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: PLAINTIFF'S MOTION TO FILE DOCUMENTS
PLAINTIFF USED IN RESPONSE TO
DEFENDANT'S MOTION FOR SUMMARY
JUDGMENT ON THE PUBLIC RECORD (Doc. No.
190)**

FILED: May 22, 2024

THEREON it is ORDERED that the motion is DENIED.

Defendant's motion for summary judgment has been fully briefed since April 16, 2024. See Doc. Nos. 148, 166, 179. The parties have filed numerous motions to

submit exhibits in support of their briefing, both on the public docket and under seal. *See* Doc. Nos. 140, 146, 152, 153, 159–60, 163, 168–69. This culminated in an Order permitting the parties to jointly late-file several additional exhibits in support, and directing the parties to provide courtesy copies of their summary judgment briefing to the Court. *See* Doc. No. 183; *see also* Doc. Nos. 181–82. Now before the Court is Plaintiff’s motion, filed on May 22, 2024, to file two additional exhibits in support of her response to the summary judgment motion (exhibits 16 and 42 to Plaintiff’s deposition). Doc. No. 190. Plaintiff claims that the exhibits were “inadvertently” not included in the parties’ prior joint request, and that Plaintiff was under the assumption that these two exhibits should have been filed per agreement of the parties. *Id.* Defendant opposes. Doc. No. 194.

For several of the reasons argued in Defendant’s response, Plaintiff’s motion will be denied. Specifically, Plaintiff fails to explain why these exhibits were not included initially with Plaintiff’s response to summary judgment, in particular where Plaintiff is claiming that these documents should be filed on the public record. Doc. No. 166; Doc. No. 190, at 3. Moreover, Plaintiff also fails to support her statement that the parties agreed that “all of Plaintiff’s deposition exhibits would be filed on the public record by the Defendant,” given that the parties jointly requested that some of the exhibits to Plaintiff’s deposition be filed under seal, *see* Doc. Nos. 181–83, the parties’ joint filings do not list exhibits 16 and 42, *see id.*, and

nothing Plaintiff attaches to her current motion demonstrates that exhibits 16 and 42 were to be included. *See* Doc. Nos. 190, 190-3. Further, Plaintiff fails to demonstrate why these exhibits must be filed now (and again), where, as Defendant points out, exhibit 42 and a portion of exhibit 16 have already been filed. *See* Doc. No. 157, at 281; Doc. No. 136-1, at 249-53. In addition, Plaintiff has attached exhibits 16 and 42 to the current motion, without leave, and the Court has otherwise granted Defendant's request to seal the information contained in exhibit 42. *See* Doc. Nos. 153, 157. Finally, and in addition to the above issues, besides bare citation to Federal Rules of Civil Procedure 56 and 60(b), Plaintiff fails to support her request with any legal authority, and fails to demonstrate entitlement to ongoing submission of exhibits to support summary judgment, which has been fully briefed for over a month.

For these reasons, Plaintiff's Motion to File Documents Plaintiff Used in Response to Defendant's Motion for Summary Judgment on the Public Record (Doc. No. 190) is **DENIED**. The Clerk of Court is directed to **STRIKE AND REMOVE FROM THE DOCKET** exhibits 16 and 42 attached to the motion (Doc. Nos. 190-1, 190-2).¹

¹ Plaintiff also submitted these exhibits, without leave, in her courtesy copies of the summary judgment briefing to the Court. *See* Doc. No. 190, at 3. Thus, the Court will be removing exhibits 16 and 42 from the courtesy copies provided.

DONE and ORDERED in Orlando, Florida on May 28, 2024.

Handwritten signature of Leslie Hoffman Price in blue ink.

LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties