

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
TENNESSEE

Diamond Resorts U.S. Collection Development, LLC, et al. v. Wesley
Financial Group, LLC, et al.

No. 3:20-CV-251-DCLC-DCP · No. No. 3:20-CV-251-DCLC-DCP · Decided May 15, 2026

SUMMARY

The United States District Court for the Eastern District of Tennessee grants Plaintiffs’ motion to correct the title of their filing, finding that the inclusion of the word “Undisputed” was a scrivener’s error. The Court directs the Clerk to replace the earlier version with the updated filing and explains that Defendants’ separate challenge to the filing’s compliance with the Scheduling Order will be addressed separately.

CASE DETAILS

COURT	United States District Court for the Eastern District of Tennessee
WRITING FOR THE COURT	Debra C. Poplin
JURISDICTION	United States District Court for the Eastern District of Tennessee
DECIDED	May 15, 2026
DOCKET	No. 3:20-CV-251-DCLC-DCP
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Plaintiffs' motion to correct the title of a previously filed statement of additional material facts.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- motion to amend
- pleadings
- civil procedure
- commercial litigation

PRACTICE AREAS

- civil procedure
- commercial litigation

QUESTIONS PRESENTED

1. Whether the court should permit Plaintiffs to correct an inadvertent error in the title and introductory paragraph of a filing under Federal Rule of Civil Procedure 60 and the court's inherent authority to

manage its docket.

HOLDINGS

1. The court may permit correction of an inadvertent scrivener's error in the title and introductory paragraph of a filing when the correction does not alter the filing's substance.

KEY QUOTATIONS

"Courts have inherent authority to manage their dockets." (Order)

"The Court DIRECTS the Clerk's office to REPLACE the earlier version [Doc. 557-3] with the updated version [Doc. 589-2]." (Order)

FACTUAL BACKGROUND

Plaintiffs filed a statement of additional material facts whose title and introductory paragraph inadvertently retained the word "Undisputed" from a prior statement used as a drafting template. Plaintiffs supported the requested correction with an attorney declaration describing the copying and omission error. Defendants argued that the filing was unauthorized under the scheduling order and that its title caused them to expend resources, but the court found that the correction would not affect the filing's substance.

PROCEDURAL HISTORY

Plaintiffs filed a redacted and sealed statement titled "Plaintiffs' Statement of Additional Undisputed Materials Facts in Response to Defendants' Motion for Summary Judgment." They moved under Federal Rule of Civil Procedure 60 and the court's inherent authority to correct the title, asserting that inclusion of the word "Undisputed" was an inadvertent drafting error. Defendants opposed the motion, arguing that the filing violated the scheduling order and caused them to incur time and expense, but the court noted that Defendants had separately moved to strike the filing on those grounds.

DISPOSITION

other

CASES CITED

- Newman v. Univ. of Dayton, No. 3:17-CV-179, 2017 WL 4076517, at *3 (S.D. Ohio Sept. 14, 2017)
- Moore v. Liewert, No. 22-2056, 2023 WL 8378827, at *3 (6th Cir. Aug. 16, 2023)
- N. Brevard Hosp. Dist. v. McKesson Techs., Inc., No. 6:16CV6370RL40DCI, 2017 WL 11667659, at *7 (M.D. Fla. Oct. 10, 2017)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE AT KNOXVILLE DIAMOND RESORTS U.S. COLLECTION) DEVELOPMENT, LLC, et al.,))
Plaintiffs,)) v.) No. 3:20-CV-251-DCLC-DCP) WESLEY FINANCIAL GROUP, LLC, et al.,))

Defendants.) O R D E R This case is before the Court pursuant to 28 U.S.C. § 636, the Rules of this Court, and Standing Order 13-02. Now before the Court is Plaintiffs' Motion to Correct Title of Filing [Docs.

557-3; 561] and Incorporated Memorandum of Law [Doc. 589]. Defendants respond in opposition [Doc. 597], and Plaintiff filed a reply [Doc. 607]. The motion is ripe for adjudication. See E.D. Tenn. L.R. 7.1(a). The Court GRANTS the motion [Doc. 589]. According to Plaintiffs, on February 20, 2026, they filed "Plaintiffs' Statement of Additional Undisputed Materials Facts in Response to Defendants' Motion for Summary Judgment ("Statement of Additional Material Facts")" [Doc.

589 p. 1]. They filed a redacted version [Doc. 557-3] and a sealed version [Doc. 561]. Plaintiffs claim that they included the word "undisputed" in the title, but it was an error [Doc. 589 p. 1]. In support of their claim, they rely on the Declaration of Kristin Stankiewicz, an attorney, who states that she "assisted in drafting the Plaintiffs' Statement of Additional Material Facts" [Doc.

589-1 ¶ 2]. She asserts that she "used Plaintiffs' Statement of Undisputed Material Facts as a template" [Id. ¶ 3]. She added the word "Additional" but did not remove "Undisputed" [Id. ¶ 4]. She did the same in the introductory paragraph [Id. ¶ 5]. Attorney Stankiewicz states that she inadvertently did not remove the word "Undisputed" [Id. ¶ 6]. Plaintiffs therefore request that the Court allow them to file an edited version under Rule 60 of the Federal Rules of Civil Procedure and the Court's inherent authority [Doc.

589 p. 1]. Defendants respond in opposition [Doc. 597]. They claim that Plaintiffs' Statement of Additional Material Facts is not allowed under the Scheduling Order [Id. at 1]. They argue that Plaintiffs have not established that the title of their Statement of Additional Material Facts is a clerical or computation error under Rule 60 [Id. at 3–6]. They claim to have been prejudiced by its filing because "[t]he title of the [Statement of Additional Facts] caused Defendants to expend significant time and resources" [Id. at 7].

Plaintiffs reply "the sole remedy [they] seek is to correct the title of the filing that has no impact on the substance" [Doc. 607 p. 1]. Plaintiffs state that Defendants have "already filed a substantive challenge to the Statement of Additional Material Facts in its March 13, 2026 Motion to Strike" [Id.]. "Those arguments[.]" Plaintiffs contend, "have no place here" [Id.].

Courts have inherent authority to manage their dockets. *Newman v. Univ. of Dayton*, No. 3:17-CV-179, 2017 WL 4076517, at *3 (S.D. Ohio Sept. 14, 2017). Here, Plaintiffs merely seek to change the title of a filing. Moreover, they have provided evidence that they simply made a scrivener's error [See Doc. 589-1]. See *Moore v. Liewert*, No. 22-2056, 2023 WL 8378827, at *3 (6th Cir.

Aug. 16, 2023) (“Under these circumstances, the district court did not clearly err in finding that [the defendant’s] attorney had simply cut and pasted a motion from another case without updating the name of the party.”). Defendants claim that Plaintiffs’ Additional Statement of Material Facts violates the Scheduling Order [Doc. 597 p. 1]. But they have filed a motion to strike on the same grounds [See Doc.

582-2 (redacted); Doc. 584 (sealed)]. The Court will adjudicate that issue separately. Defendants also state that “[t]he title of the [Statement of Additional Material Facts] caused [them] to expend significant time and resources” [Doc. 597 p. 1]. “If Plaintiffs had filed a statement of disputed facts,” Defendants argue “there would have been no basis, under the Scheduling Order, to respond to them” [/d. (citation omitted)].

Defendants submit that they “responded to each of them to show, where applicable, that the facts are genuinely disputed” and they also moved to strike them [/d.]. Although Defendants filed a response, Plaintiffs’ correction “has no impact on the substance” of the Statement of Additional Material Facts [Doc. 607 p. 1]. See also *N. Brevard Hosp. Dist. v. McKesson Techs., Inc.*, No.616CV6370RL40DCI, 2017 WL 11667659, at *7 (M.D.

Fla. Oct. 10, 2017) (“defining a scrivener’s or clerical error as ‘a drafter’s or typist’s technical error that can be rectified without serious doubt about the correct reading[.]’”) (quoting *Black’s Law Dictionary* 659 (10th ed. 2014)).

The Court therefore GRANTS Plaintiffs’ motion [Doc. 589]. The Court DIRECTS the Clerk’s office to REPLACE the earlier version [Doc. 557-3] with the updated version [Doc. 589-2]. Plaintiffs SHALL file the highlighted version in CM/ECF on or before May 19, 2026. IT IS SO ORDERED. ENTER: / Debra C. Poplin United States Magistrate Judge