

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PRECEDENTIAL VALUE	unpublished district court order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)