

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

OPINION

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

PER CURIAM.

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 ISSO ORDERED.

ENTER: /

Debra C. Poplin United States Magistrate Judge