

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
ALABAMA, NORTHERN DIVISION

Foster v. Author Success Publishing, Mark Anderson, Michaela
Stone, Emily Rose, Echo Global LLC, and Khurram Y. Khan

Foster · No. 2:25-cv-545-BL-JTA · Decided December 10, 2025

SUMMARY

The United States District Court for the Middle District of Alabama addresses Plaintiff Ronald H. Foster’s cross-motion for summary judgment. The court orders Defendant Khurram Khan to show cause why the motion should not be granted, permits Foster to file a reply, and sets out the governing Federal Rule of Civil Procedure 56 summary-judgment standard. The order is dated December 10, 2025.

CASE DETAILS

COURT	United States District Court for the Middle District of Alabama, Northern Division
WRITING FOR THE COURT	Jerusha T. Adams
JURISDICTION	United States District Court for the Middle District of Alabama, Northern Division
DECIDED	December 10, 2025
DOCKET	2:25-cv-545-BL-JTA
DISPOSITION	other
PROCEDURAL POSTURE	The court considered Plaintiff Ronald H. Foster's cross-motion for summary judgment and ordered Defendant Khurram Khan to show cause why the motion should not be granted, followed by a reply from Plaintiff.
STANDARD OF REVIEW	Summary judgment is proper when the pleadings and evidentiary materials show no genuine issue of material fact and the movant is entitled to judgment as a matter of law. The movant bears the initial burden of identifying the basis for the motion and the portions of the record demonstrating the absence of a genuine factual dispute, while the nonmovant must identify specific facts showing a genuine issue for trial. Evidence is viewed in the nonmovant's favor, with all justifiable inferences drawn in that party's favor.

PRECEDENTIAL VALUE

unknown

TOPICS

summary judgment

civil procedure

PRACTICE AREAS

civil procedure

QUESTIONS PRESENTED

1. What summary-judgment standard governs Plaintiff's pending cross-motion under Federal Rule of Civil Procedure 56?
2. What briefing and submission schedule should govern the pending cross-motion for summary judgment?

HOLDINGS

1. Under Federal Rule of Civil Procedure 56, summary judgment is proper when the record shows no genuine issue of material fact and the moving party is entitled to judgment as a matter of law; the movant bears the initial burden, and the nonmovant must identify specific facts showing a genuine issue for trial.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure 56(c), summary judgment is proper “if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.””

FACTUAL BACKGROUND

The order contains no substantive factual findings concerning the underlying dispute. It identifies Plaintiff Ronald H. Foster's cross-motion for summary judgment and Defendant Khurram Y. Khan's obligation to show cause why the motion should not be granted.

PROCEDURAL HISTORY

The order addresses Plaintiff's pending cross-motion for summary judgment. The court did not decide the motion on the merits; instead, it established a show-cause and reply schedule and stated that the motion would be submitted after the reply was filed.

DISPOSITION

other

CASES CITED

- *Palm v. United States*, 904 F. Supp. 1312, 1314 (M.D. Ala. 1995)
- *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-324 (1986)
- *Anderson v. Liberty Lobby*, 477 U.S. 242, 248, 255 (1986)
- *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 (1986)

OPINION

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION RONALD H. FOSTER,)) Plaintiff,)) v.) CASE NO. 2:25-cv-545-BL-
JTA) (WO) AUTHOR SUCCESS PUBLISHING,) MARK ANDERSON, MICHAELA) STONE,
EMILY ROSE, ECHO) GLOBAL LLC, and KHURRAM Y.) KHAN, individually and as
organizer of) Echo Global LLC,)) Defendants.) ORDER Before the court is the cross-motion for
summary judgment (Doc.

No. 81) filed by Plaintiff Ronald H. Foster. (Doc. No. 81.) Upon consideration of the motion, it is
ORDERED that, on or before December 30, 2025, Defendant Khurram Khan shall show cause
why the motion should not be granted.

On or before January 9, 2026, Plaintiff shall file a reply. The motion shall be under submission on
the date of the filing of the reply brief, and no further briefing on the motion shall be allowed.
Further, the parties are hereby NOTIFIED of the following summary judgment standard: Under
Federal Rule of Civil Procedure 56(c), summary judgment is proper “if the pleadings, depositions,
answers to interrogatories, and admissions on file, together with the affidavits, if any, show that
there is no genuine issue as to any material fact and that the moving party is entitled to a judgment
as a matter of law.” *Palm v. United States*, 904 F. Supp. 1312, 1314 (M.D.

Ala. 1995) (citing *Celotex Corp. v. Catrett*, 477 U.S. 317, 322 (1986)). The party asking for
summary judgment “always bears the initial responsibility of informing the district court of the
basis for its motion, and identifying those portions of the ‘pleadings, depositions, answers to
interrogatories, and admissions of file, together with the affidavits, if any,’ which it believes
demonstrate the absence of a genuine issue of material fact.” *Celotex*, 477 U.S. at 323.

The movant can meet this burden by presenting evidence showing there is no dispute of material
fact, or by showing, or pointing out to, the district court that the nonmoving party has failed to
present evidence in support of some element of its case on which it bears the ultimate burden of
proof. *Id.* at 322-324. A factual dispute is genuine if the evidence would allow a reasonable jury to
find for the nonmoving party.

Anderson v. Liberty Lobby, 477 U.S. 242, 248 (1986). Once the moving party has met its burden,
Rule 56(e) “requires the nonmoving party to go beyond the pleadings and by [its] own affidavits,
or by the ‘depositions, answers to interrogatories, and admissions on file,’ designate ‘specific facts
showing that there is a genuine issue for trial.’” *Celotex*, 477 U.S. at 324.

To avoid summary judgment, the nonmoving party “must do more than show that there is some metaphysical doubt as to the material facts.” *Matsushita Elec. Indus. Co. v. Zenith Radio Corp.*, 475 U.S. 574, 106 (1986). On the other hand, the evidence of the nonmovant must be believed and all justifiable inferences must be drawn in its favor. See *Anderson*, 477 U.S. at 255.

After the nonmoving party has responded to the motion for summary judgment, the court must grant summary judgment if there is no genuine issue of material fact and the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(e). If the non-moving party “fails to make a showing sufficient to establish the existence of an element essential to [his] case, and on which [he] will bear the burden of proof at trial,” the moving party is entitled to summary judgment.

Celotex, 477 U.S. at 322. DONE this 10th day of December, 2025. JERUSHA T. ADAMS U ED STATES MAGISTRATE JUDGE