

1 **WO**

2

3

4

5

**NOT FOR PUBLICATION**

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Piero A. Bugoni,

)

No. CV-04-01345-PHX-FJM

10

Plaintiff,

)

**ORDER**

11

vs.

)

12

Coffman, et al.,

)

13

Defendants.

)

14

)

15

\_\_\_\_\_

16

17

The court has before it plaintiff Piero Bugoni’s “Preliminary Response to Defense Second Motion for Summary Judgment and Counter-Motion to Strike” (docs. 76 & 77).

19

Plaintiff moves to strike defendants’ motion for summary judgment (doc. 69) because they did not move for leave to file such a motion as we requested during a scheduling conference held on June 25, 2009 (doc. 54). In our scheduling order of March 8, 2010 (doc. 75), we directed plaintiff to “file a response to Defendants’ Motion for Summary Judgment, together with a separate Statement of Facts and supporting affidavits or other appropriate exhibits, no later than March 29, 2010.” To the extent that our order was ambiguous,

25

**IT IS ORDERED GRANTING** defendants leave to file their motion for summary judgment (doc. 69).

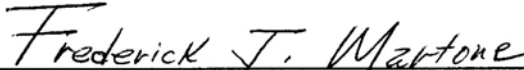
27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**IT IS FURTHER ORDERED DENYING** plaintiff's counter-motion to strike (doc. 77). Pursuant to our scheduling order (doc. 75), plaintiff shall respond to defendants' motion no later than March 29, 2010.

DATED this 15<sup>th</sup> day of March, 2010.

  
\_\_\_\_\_  
Frederick J. Martone  
United States District Judge