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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Thomas L. Propst, et al.,

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No. CV-08-2111 PHX-DGC

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Plaintiffs,

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ORDER

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vs.

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David Michael Simon, et al,

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Defendants.

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Defendants have filed a Motion for Summary Judgment (Doc. #46) pursuant to Rule

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56 of the Federal Rules of Civil Procedure.

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The Defendants' Motion for Summary Judgment seeks to have your case dismissed.

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A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will,

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if granted, end your case.

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Rule 56 tells you what you must do in order to oppose a motion for summary

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judgment. Generally, summary judgment must be granted when there is no genuine issue of

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material fact – that is, if there is no real dispute about any fact that would affect the result

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of your case, the party who asked for summary judgment is entitled to judgment as a matter

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of law, which will end your case. When a party you are suing makes a motion for summary

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judgment that is properly supported by declarations (or other sworn testimony), you cannot

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simply rely on what your complaint says. Instead, you must set out specific facts in

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declarations, depositions, answers to interrogatories, or authenticated documents, as provided

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in Rule 56(e), that contradict the facts shown in the Defendants' declarations and documents

1 and show that there is a genuine issue of material fact for trial. If you do not submit your
2 own evidence in opposition, summary judgment, if appropriate, may be entered against you.
3 If summary judgment is granted, your case will be dismissed and there will be no trial.

4 Rule 56.1(b) of the Local Rules of Civil Procedure also requires that you include with
5 your response to the Motion for Summary Judgment a separate statement of facts in
6 opposition to the Motion for Summary Judgment. Your separate statement of facts must
7 include numbered paragraphs corresponding to the Defendants' ("moving party's") separate
8 statement of facts:

9 (b) Any party opposing a motion for summary judgment shall file a
10 statement, separate from that party's memorandum of law, setting forth: (1) for
11 each paragraph of the moving party's separate statement of facts, a
12 correspondingly numbered paragraph indicating whether the party disputes the
13 statement of fact set forth in that paragraph and a reference to the specific
14 admissible portion of the record supporting the party's position [for example,
15 affidavit, deposition, discovery response, etc.] if the fact is disputed; and
16 (2) any additional facts that establish a genuine issue of material fact or
17 otherwise preclude judgment in favor of the moving party. Each additional
18 fact shall be set forth in a separately numbered paragraph and shall refer to a
19 specific admissible portion of the record where the fact finds support. Each
20 numbered paragraph of the statement of facts set forth in the moving party's
21 separate statement of facts shall, unless otherwise ordered, be deemed admitted
22 for purposes of the motion for summary judgment if not specifically
23 controverted by a correspondingly numbered paragraph in the opposing party's
24 separate statement of facts.

25 LRCiv 56.1(b). You must also cite to the specific paragraph in your statement of facts that
26 supports any factual claims you make in your memorandum of law:

27 (e) Memoranda of law filed in support of or in opposition to a motion
28 for summary judgment, including reply memoranda, shall include citations to
the specific paragraph in the statement of facts that supports factual assertions
made in the memoranda.

LR.Civ 56.1(e).

Additionally, Rule 7.2(e) of the Local Rules of Civil Procedure provides:

Unless otherwise permitted by the Court, a motion including its supporting
memorandum, and the response including its supporting memorandum, each
shall not exceed seventeen (17) pages, exclusive of attachments and any
required statement of facts. Unless otherwise permitted by the Court, a reply
including its supporting memorandum shall not exceed eleven (11) pages,
exclusive of attachments. Attachments shall exclude materials extraneous to
genuine issues of material fact or law.

LRCiv 7.2(e).

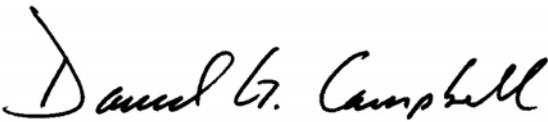
1 **IT IS ORDERED** that Plaintiffs must file a response to Defendants' Motion for
2 Summary Judgment, together with a separate Statement of Facts and supporting affidavits
3 or other appropriate exhibits, no later than **June 11, 2010**.

4 **IT IS FURTHER ORDERED** that Defendants may file a reply within 15 days after
5 service of Plaintiffs' response.

6 **IT IS FURTHER ORDERED** that the Motion for Summary Judgment will be
7 deemed ready for decision without oral argument on the day following the date set for filing
8 a reply unless otherwise ordered by the Court.

9 DATED this 28th day of May, 2010.

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David G. Campbell
United States District Judge