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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

Brian K. Stallings,	)	
	)	
Plaintiff,	)	CIV 13-00067 PHX RCB MEA
	)	
v.	)	ORDER
	)	
Charles L. Ryan, Thomas A. Bell,	)	
Nurse Martin, Wexford Health	)	
Solutions,	)	
	)	
Defendants.	)	
_____	)	

Defendants Ryan and Martin have filed a motion for summary judgment (Doc. 53), with regard to Plaintiff's claims against these Defendants, pursuant to Rule 56 of the Federal Rules of Civil Procedure.

**NOTICE--WARNING TO PLAINTIFF**

**THIS NOTICE IS REQUIRED TO BE GIVEN TO YOU BY THE COURT<sup>1</sup>**

Defendants' motion for summary judgment seeks to have your claims against these Defendants denied as a matter of law.

Rule 56 tells you what you must do in order to oppose a motion for summary judgment. Generally, summary judgment must be granted when there is no genuine issue of material fact, i.e., if there is no real dispute about any fact that would affect the result of your case, the party who asked for summary judgment is entitled to judgment as a matter of law. When a party you are suing makes a motion for summary judgment that is

<sup>1</sup> Rand v. Rowland, 154 F.3d 952, 962 (9th Cir. 1998) (en banc).

1 properly supported by declarations (or other sworn testimony),  
2 you cannot simply rely on what your complaint says. Instead,  
3 you must set out specific facts in declarations, depositions,  
4 answers to interrogatories, or authenticated documents, as  
5 provided in Rule 56(e), that contradict the facts shown in the  
6 Defendant's declarations and documents and show that there is a  
7 genuine issue of material fact for trial. If you do not submit  
8 your own evidence in opposition, summary judgment, if  
9 appropriate, may be entered against you with regard to your  
10 claims against these Defendants.

11 Rule 56.1 of the Local Rules of Civil Procedure for the  
12 United States District Court for the District of Arizona also  
13 requires, in addition, that you include as a part of your  
14 opposition to a motion for summary judgment a separate statement  
15 of facts in opposition to the motion for summary judgment.

16 Any party opposing a motion for summary  
17 judgment must file a statement, separate from  
18 that party's memorandum of law, setting  
19 forth: (1) for each paragraph of the moving  
20 party's separate statement of facts, a  
21 correspondingly numbered paragraph indicating  
22 whether the party disputes the statement of  
23 fact set forth in that paragraph and a  
24 reference to the specific admissible portion  
25 of the record supporting the party's position  
26 if the fact is disputed; and (2) any  
27 additional facts that establish a genuine  
28 issue of material fact or otherwise preclude  
judgment in favor of the moving party. Each  
additional fact must be set forth in a  
separately numbered paragraph and must refer  
to a specific admissible portion of the  
record where the fact finds support.

26 Rule 7.2, United States District Court for the District  
27 of Arizona Local Rules of Civil Procedure, subparagraph (e)  
28 provides:

1 (1) Unless otherwise permitted by the Court,  
2 a motion including its supporting memorandum,  
3 and the response including its supporting  
4 memorandum, may not exceed seventeen (17)  
5 pages, exclusive of attachments and any  
6 required statement of facts.

7 (2) Unless otherwise permitted by the Court,  
8 a reply including its supporting memorandum  
9 may not exceed eleven (11) pages, exclusive  
10 of attachments.

11 Subparagraph (i) provides:

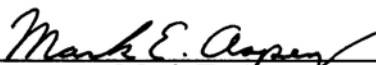
12 If a motion does not conform in all  
13 substantial respects with the requirements of  
14 this Local Rule, or if the unrepresented  
15 party or counsel does not serve and file the  
16 required answering memoranda, or if the  
17 unrepresented party or counsel fails to  
18 appear at the time and place assigned for  
19 oral argument, such non-compliance may be  
20 deemed a consent to the denial or granting of  
21 the motion and the Court may dispose of the  
22 motion summarily.

23 **IT IS THEREFORE ORDERED** that Plaintiff shall have  
24 thirty (30) days from the date this order is filed to file any  
25 response to Defendants Martin and Ryan's motion for summary  
26 judgment, together with supporting affidavits or other  
27 appropriate exhibits and a separate statement of facts.

28 **IT IS FURTHER ORDERED** that Defendants shall file any  
reply within fifteen (15) days from the date Plaintiff's  
response is filed.

**IT IS FURTHER ORDERED** that the motion shall be deemed  
ready for decision without oral argument on the day following  
the date set for filing a reply unless otherwise ordered by the  
name on whose behalf it is filed.

DATED this 27<sup>th</sup> day of March, 2014.

  
\_\_\_\_\_  
Mark E. Aspey  
United States Magistrate Judge