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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Philip Seldon,

10 Plaintiff,

11 v.

12 Edward Magedson, et al.,

13 Defendants.

No. CV-13-00072-PHX-DGC

ORDER

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15 Defendants Irina Borisenko and Cheyenne Crow have filed a motion for sanctions.
16 Doc. 50. After reviewing the motion, the Court concludes that it should be deemed a
17 motion for summary judgment rather than a motion for sanctions. The motion seeks to
18 have Plaintiff's case dismissed on a number of procedural and substantive grounds.

19 A motion for summary judgment will, if granted, end Plaintiff's case. Rule 56
20 tells Plaintiff what he must do in order to oppose a motion for summary judgment.
21 Generally, summary judgment must be granted when there is no genuine issue of material
22 fact – that is, if there is no real dispute about any fact that would affect the result of
23 Plaintiff's case and the party who asked for summary judgment is entitled to judgment as
24 a matter of law. When a defendant makes a motion for summary judgment that is
25 properly supported by declarations (or other sworn testimony), a plaintiff cannot simply
26 rely on what the complaint says. Instead, the plaintiff must set out specific facts in
27 declarations, depositions, answers to interrogatories, or authenticated documents, as
28 provided in Rule 56(e), that contradict the facts shown in the defendants' declarations and

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

5 The Court has directed Plaintiff to comply with the Local Rules of Civil Procedure
6 in previous orders. Because Defendants' motion for sanctions has been deemed a motion
7 for summary judgment, it does not comply with certain provisions of the Local Rules
8 which govern the briefing of motions for summary judgment. Plaintiff, therefore, need
9 not comply with Local Rule 56.1(b) or any other Local Rule that is inapplicable in light
10 of the unique nature of Defendants' motion for summary judgment.

11 **IT IS ORDERED:**

12 1. Plaintiff **must** file a response to Defendants' motion for summary judgment
13 on or before **May 9, 2014**.

14 2. Defendants **may** file a reply on or before **May 23, 2014** in support of their
15 motion for summary judgment.

16 3. The motion for summary judgment will be deemed ready for decision
17 without oral argument on the day following the date set for filing a reply unless otherwise
18 ordered by the Court.

19 Dated this 15th day of April, 2014.

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24 David G. Campbell
25 United States District Judge
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