

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
PINE BLUFF DIVISION**

RANDOLPH M. BAGGETT  
FDC #093340

PLAINTIFF

V.

5:08CV00197 JTR

CHRISTOPHER A. BAGGETT, et al.

DEFENDANTS

**ORDER**

Plaintiff, who is prisoner proceeding *pro se* in this diversity action, has filed a Motion for Partial Summary Judgment (which includes a Statement of Undisputed Facts) and a Supporting Brief. *See* docket entries #120 and #121. The Court concludes that a Response from Defendants would be helpful to the resolution of that Motion.

In addition to a Response, Defendants must also *separately* file a Statement of Disputed Facts which lists: (a) any disagreement they have with the specifically numbered factual assertions contained in Plaintiff's Statement of Undisputed Facts; and (b) any other disputed facts that they believe must be resolved at trial.<sup>1</sup> *See* Local Rule 56.1(b).

Finally, the Court advises Defendants that if they intend to rely upon documents that have been previously filed with the Court, they must specifically refer to those documents by docket number, page, date, and heading. The Court will not sift through the record to find support for the parties' factual contentions. *See Crossley v. Georgia-Pacific, Corp.*, 335 F.3d 1112, 1113-14 (8th

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<sup>1</sup> Specifically, Plaintiff's Statement of Undisputed Facts contains 36 separately numbered paragraphs. *See* docket entry #121, at 7 through 12. Defendants' Statement of Disputed Material Facts must contain 36 separate paragraphs that respond *directly* to each of Plaintiff's corresponding paragraphs. After Defendants have done so, they may list (in separately numbered paragraphs starting with 37), any additional disputed material facts that they believe must be resolved at trial.

Cir. 2004) (affirming the grant of summary judgment because a plaintiff failed to properly refer to specific pages of the record that supported his position).

IT IS THEREFORE ORDERED THAT:

1. Defendants shall file, **on or before September 4, 2009**, a Response to Plaintiff's Motion for Partial Summary Judgment and a Statement of Disputed Facts that comply with the Fed. R. Civ. P. 56, Local Rule 56.1, and the instructions set forth in this Order.

2. Defendants are advised that the failure to timely and properly comply with this Order will result in all of the facts set forth in Plaintiff's summary judgment papers being deemed admitted, pursuant to Local Rule 56.1(c).

Dated this 20<sup>th</sup> of August, 2009.

  
UNITED STATES MAGISTRATE JUDGE