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4 **United States District Court**
5 **Central District of California**
6

7 JORGE AVILA,

8 Plaintiff,

9 v.

10 CITY OF SANTA MONICA, SCOTT
11 MATSUDA, GEORGE MENDEZ,
12 SCOTT McGOWAN, MARILYN
13 AMIACHE and Does 1-10, inclusive,

14 Defendants.
15

Case No. 2:13-cv-03570-ODW(JCGx)

**ORDER RE. DEFICIENT
STATEMENT OF UNDISPUTED
FACTS IN SUPPORT OF
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT [27]**

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17 On March 3, 2014, Defendants filed a Motion for Summary Judgment on Jorge
18 Avila's claims for negligence and municipal liability. (ECF No. 27.) Defendants'
19 proffered statement of undisputed facts (SUF) is grossly deficient. Local Rule 56-1
20 provides in relevant part,

21 A party filing a notice of motion for summary judgment or partial
22 summary judgment shall lodge a proposed "Statement of Uncontroverted
23 Facts and Conclusions of Law." Such proposed statement *shall set forth*
24 *the material facts as to which the moving party contends there is no*
25 *genuine dispute.*

26 (emphasis added).

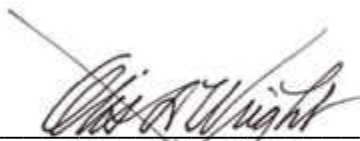
27 Defendants' proffered SUF provides no material facts at all. Plaintiff Jorge
28 Avila's opposing SUF outlines in detail the altercation between Avila and Defendant

1 Officer Matsuda. (ECF No. 28.) In contrast, Defendants paltry eight “facts” merely
2 iterate unsubstantiated legal conclusions regarding Defendants’ liability. For example,
3 Defendants’ SUF number 6 states “Plaintiff has failed to adequately plead a Monell
4 Claim against the City in his Fourth Cause of Action.” (ECF No. 27.) This is not
5 what the local rules envision. Defendants are required by the local rules to provide the
6 court with a proposed statement of uncontroverted *facts*.

7 Accordingly, Defendants are **ORDERED** to file an amended SUF with the
8 Court no later than **Friday, March 14, 2014**. Further failure to comply with the Local
9 Rules may subject the parties to sanctions within this Court’s discretion. L.R. 83-7.

10 **IT IS SO ORDERED.**

11
12 March 12, 2014

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16 **OTIS D. WRIGHT, II**
17 **UNITED STATES DISTRICT JUDGE**