

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

Amber Renaye Coston-Moore,
Plaintiff,
vs.
L. Medina, et al.,
Defendant.

No. 1:06-CV-01183-RCC

ORDER

Defendants have filed a Motion for Summary Judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. (Doc. 34). The motion is fully briefed, but the Court will permit supplemental briefing in light of this notice, which is required to be given by the Court.

NOTICE--WARNING TO PLAINTIFF

THIS NOTICE IS REQUIRED TO BE GIVEN TO YOU BY THE COURT¹

The Defendants' Motion for Summary Judgment seeks to have your case dismissed. A motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure will, if granted, end your case.

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

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

1 judgment. Generally, summary judgment must be granted when there is no genuine issue of
2 material fact – that is, if there is no real dispute about any fact that would affect the result
3 of your case, the party who asked for summary judgment is entitled to judgment as a matter
4 of law, which will end your case. When a party you are suing makes a motion for summary
5 judgment that is properly supported by declarations (or other sworn testimony), you cannot
6 simply rely on what your complaint says. Instead, you must set out specific facts in
7 declarations, depositions, answers to interrogatories, or authenticated documents, as provided
8 in Rule 56(e), that contradict the facts shown in the Defendants’ declarations and documents
9 and show that there is a genuine issue of material fact for trial. If you do not submit your
10 own evidence in opposition, summary judgment, if appropriate, may be entered against you.
11 If summary judgment is granted, your case will be dismissed and there will be no trial.

12 Rule 260 of the Local Rules of Civil Procedure also requires that you include with
13 your response to the Motion for Summary Judgment a separate statement of facts in
14 opposition to the Motion for Summary Judgment. Your separate statement of facts must
15 include numbered paragraphs corresponding to the Defendants’ (“moving party’s”) separate
16 statement of facts.

17 Any party opposing a motion for summary judgment shall file a statement, separate
18 from that party’s memorandum of law, setting forth: (1) for each paragraph of the moving
19 party’s separate statement of facts, a correspondingly numbered paragraph indicating whether
20 the party disputes the statement of fact set forth in that paragraph and a reference to the
21 specific admissible portion of the record supporting the party’s position [for example,
22 affidavit, deposition, discovery response, etc.] if the fact is disputed; and (2) any additional
23 facts that establish a genuine issue of material fact or otherwise preclude judgment in favor
24 of the moving party. L.R. 260(b).

25 Each additional fact shall be set forth in a separately numbered paragraph and shall
26 refer to a specific admissible portion of the record where the fact finds support. Each
27 numbered paragraph of the statement of facts set forth in the moving party's separate
28 statement of facts shall, unless otherwise ordered, be deemed admitted for purposes of the

1 motion for summary judgment if not specifically controverted by a correspondingly
2 numbered paragraph in the opposing party's separate statement of facts. L.R. 260(b)

3 You must also cite to the specific paragraph in your statement of facts that supports
4 any factual claims you make in your memorandum of law.

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

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

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

19 You must timely respond to all motions. The Court may, in its discretion, treat your
20 failure to respond to Defendants' Motion for Summary Judgment as a consent to the granting
21 of that Motion without further notice, and judgment may be entered dismissing this action
22 with prejudice. See Brydges v. Lewis, 18 F.3d 651 (9th Cir. 1994) (*per curiam*).

23 **IT IS ORDERED** that Plaintiff must file a supplemental response to Defendants'
24 Motion for Summary Judgment, together with a separate Statement of Facts and supporting
25 affidavits or other appropriate exhibits, no later than March 20, 2012.

26 **IT IS FURTHER ORDERED** that Defendants may file a supplemental reply within
27 15 days after service of Plaintiff's response.

28 **IT IS FURTHER ORDERED** that the Motion for Summary Judgment will be

1 deemed ready for decision without oral argument on the day following the date set for filing
2 a supplemental reply unless otherwise ordered by the Court.

3 DATED this 16th day of February, 2012.

4
5
6
7
8 

9 _____
10 **Raner C. Collins**
11 **United States District Judge**
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28