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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

DAVID F. JADWIN, D.O.,)	1:07-cv-0026 OWW DLB
)	
Plaintiff,)	ORDER RE: DISPUTE OVER
)	ADJUDICATED FACTS
v.)	
)	
COUNTY OF KERN,)	
)	
Defendant.)	
_____)	

The parties have a dispute over the issue of whether "adjudicated facts contained in the Court's ruling on the parties' cross-motions for summary judgment should be included in the Pretrial Order of Undisputed Facts."

The Court did not prepare separately stated Undisputed Facts which were found as such. Accordingly, there are no specifically listed adjudicated facts, except if undisputed facts were so stated, specifically found undisputed, and relied upon in granting a motion for summary judgment. Even if facts were found to be not in dispute, or undisputed, for the purposes of denying the motion for summary judgment, that the motion for summary judgment was denied, means facts necessary to resolution of an issue must be presented and their application and consequence

1 determined by a jury.

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3 IT IS SO ORDERED.

4 Dated: April 22, 2009

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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