

1 in the complaint if the complaint shows that plaintiff has personal knowledge of the matters
2 stated and if plaintiff calls to the court's attention those parts of the complaint upon which
3 plaintiff relies; (2) Plaintiff may also serve and file affidavits or declarations¹ setting forth
4 the facts which plaintiff believes prove plaintiff's claims (the persons who sign the affidavit
5 or declaration must have personal knowledge of the facts stated); (3) Plaintiff may also rely
6 upon written records but plaintiff must prove that the records are what plaintiff claims they
7 are²; (4) Plaintiff may also rely upon all or any part of the transcript of one or more
8 depositions, answers to interrogatories, or admissions obtained in this proceeding. Should
9 plaintiff fail to contradict defendants' motion with affidavits, declarations, or other evidence,
10 defendants' evidence will be taken as truth, and final judgment may be entered without a full
11 trial. See Rule 56(e).

12 If there is some good reason why such facts are not available to plaintiff when
13 required to oppose such a motion, the court will consider a request to postpone considering
14 defendant(s)' motion. See Rule 56(f). If plaintiff does not serve and file a request to
15 postpone consideration of defendant(s)' motion or written opposition to the motion, the court
16 may consider plaintiff's failure to act as a waiver of opposition to defendant(s)' motion.
17 Plaintiff's waiver of opposition to defendant(s)' motion may result in the entry of summary
18 judgment against plaintiff.

19 A motion supported by affidavits or declarations that are unsigned will be stricken.

20 The failure of any party to comply with this order, the Federal Rules of Civil
21 Procedure, or the Local Rules of Court, may result in the imposition of sanctions including,
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23 ¹An affidavit is a written declaration or statement of facts, made voluntarily, and confirmed by the oath
24 or affirmation of the party making it, taken before an officer having authority to administer such oath. An
25 unsworn declaration has the same effect as an affidavit, provided that it is dated and signed under penalty of
26 perjury, as follows: "I declare under penalty of perjury that the foregoing is true and correct." 28 U.S.C. §
1746. Affidavits and declarations must be made on personal knowledge and must set forth facts as would be
admissible in evidence. See Rule 56(e).

27 ² Sworn or certified copies of all papers referred to in an affidavit must be attached to the affidavit and
28 served on the opposing party. Rule 56(e).

1 but not limited to, dismissal of the action or entry of default.

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

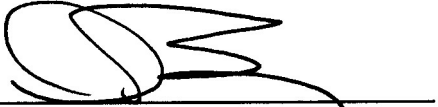
6 **IT IS ORDERED** that Plaintiff must file a response to Defendants' second Motion
7 for Summary Judgment, together with a separate Statement of Facts and supporting affidavits
8 or other appropriate exhibits, no later than **July 8, 2011**.

9 **IT IS FURTHER ORDERED** that Defendants may file a reply within 30 days after
10 service of Plaintiff's response.

11 **IT IS FURTHER ORDERED** that the Motion for Summary Judgment will be
12 deemed ready for decision without oral argument on the day following the date set for filing
13 a reply unless otherwise ordered by the Court.

14 **IT IS FURTHER ORDERED** that Defendants' Request for Extension of Time to
15 File Declaration (Doc. 63) is granted.

16 DATED this 24th day of May, 2011.

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20 David C. Bury
21 United States District Judge
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