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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

ABRAHAM G. PINZON,)
)
 Plaintiff,)
)
 v.)
)
 RON JENSEN, RON JENSEN)
 CONSTRUCTION, PINECREST)
 MARKET, DAN VAUGHN, and DOES 1-)
 50,)
)
 Defendants.)
 _____)

CIV-F-08-1543 AWI GSA

**ORDER STRIKING DAN
VAUGHN'S MOTION FOR
SUMMARY JUDGMENT**

Plaintiff Abraham Pinzon alleges Defendants violated 42 U.S.C. §1981 and Cal. Civ. Code §51.7. The initial scheduling conference was held on January 6, 2011. Doc. 42. On January 18, 2011, Defendant Dan Vaughn filed a motion for summary judgment. Doc. 44. The Scheduling Order requires that

Prior to filing a motion for summary judgment or motion for summary adjudication the parties are ORDERED to meet, in person or by telephone, and confer to discuss the issues to be raised in the motion....

The moving party shall initiate the meeting and provide a draft of the joint statement of undisputed facts. **In addition to complying with the requirements of Local Rule 260, the moving party shall file a joint statement of undisputed facts.** In the notice of motion, the moving party shall certify that the parties have met and conferred as ordered above or set forth a statement of good cause for the failure to meet and confer.

Doc. 43, at 4:17-5:5. Plaintiff Abraham Pinzon objects to the summary judgment motion on the grounds that Defendant has not sought a conference on the issues and has not complied with the

1 other Scheduling Order requirements; he seeks to have the summary judgment motion denied.
2 Doc. 45, Notitia. Based on the docket, Defendant has (1) failed to file a joint statement of
3 undisputed facts and (2) failed to certified that the parties conferred or set forth a statement
4 explaining why not. Doc. 44, Part 4, Defendant's Statement of Undisputed Facts and Doc. 44,
5 Notice of Motion.

6 Accordingly, IT IS HEREBY ORDERED that Defendant's motion for summary
7 judgment STRICKEN as filed in violation of the Scheduling Order.

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9 IT IS SO ORDERED.

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Dated: February 24, 2011

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CHIEF UNITED STATES DISTRICT JUDGE

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