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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 SKO**  
  
**ORDER PERMITTING  
ADDITIONAL BRIEFING AND  
VACATING HEARING OF JUNE 20,  
2011**

Defendants Dan Vaughn and Pinecrest Market have made separate motions for summary judgment. Plaintiff Abraham Pinzon is a pro se litigant. He has filed an opposition to Defendant Vaughn’s motion but not filed any opposition to Defendant Pinecrest’s motion. In his opposition to Defendant Vaughn’s motion, Plaintiff has provided argumentation, but not evidence. In order to proceed to trial, Plaintiff must first defend against these summary judgment motions. Since Plaintiff is proceeding without an attorney, the court is inclined to give him a second chance to file a proper opposition to the motions.

Plaintiff must comply with all applicable rules. The local rules are available online at <http://www.caed.uscourts.gov/caed/DOCUMENTS/localRules/EDCA%20Local%20Rules%20Effective%202.8.11.pdf>. Local Rule 260 describes the summary judgment process, in particular

(b) Opposition. Any party opposing a motion for summary judgment or summary adjudication shall reproduce the itemized facts in the Statement of Undisputed Facts and admit those facts that are undisputed and deny those that are disputed, including with each denial a citation to the particular portions of any pleading, affidavit, deposition, interrogatory answer, admission, or other document relied upon in support of that denial. The opposing party may also file a concise ‘Statement of Disputed Facts,’ and the source

1 thereof in the record, of all additional material facts as to which there is a genuine issue  
2 precluding summary judgment or adjudication. The opposing party shall be responsible  
3 for the filing of all evidentiary documents cited in the opposing papers. See Local Rule  
4 133(j). If a need for discovery is asserted as a basis for denial of the motion, the party  
5 opposing the motion shall provide a specification of the particular facts on which  
6 discovery is to be had or the issues on which discovery is necessary.

7 Local Rule 142 describes affidavits:

8 (a) Requirements. An affidavit, see Local Rule 101, submitted in support of any motion  
9 shall

10 (1) identify the affiant, the party or parties on whose behalf it is submitted, and the  
11 motion to which it pertains, see Local Rule 133(h);

12 (2) be served on all other parties and filed with the motion, opposition or reply to  
13 which it relates, unless accompanied by an affidavit of counsel purporting to show  
14 good cause for the separate filing thereof; and

15 (3) identify, authenticate, and attach documents and exhibits offered in support of  
16 or in opposition to the motion, unless such documents and exhibits are already in  
17 the record and specifically referred to in the motion or opposition.

18 (b) Affidavits Referencing Depositions. When deposition testimony is referenced in or  
19 appended to an affidavit, the party filing the affidavit shall comply with Local Rule  
20 133(j).

21 Affidavits must also comply with 28 U.S.C. §1746:

22 Wherever, under any law of the United States or under any rule, regulation, order, or  
23 requirement made pursuant to law, any matter is required or permitted to be supported,  
24 evidenced, established, or proved by the sworn declaration, verification, certificate,  
25 statement, oath, or affidavit, in writing of the person making the same (other than a  
26 deposition, or an oath of office, or an oath required to be taken before a specified official  
27 other than a notary public), such matter may, with like force and effect, be supported,  
28 evidenced, established, or proved by the unsworn declaration, certificate, verification, or  
statement, in writing of such person which is subscribed by him, as true under penalty of  
perjury, and dated, in substantially the following form:

(1) If executed without the United States: 'I declare (or certify, verify, or state)  
under penalty of perjury under the laws of the United States of America that the  
foregoing is true and correct. Executed on (date). (Signature)'.  
(2) If executed within the United States, its territories, possessions, or  
commonwealths: 'I declare (or certify, verify, or state) under penalty of perjury  
that the foregoing is true and correct. Executed on (date). (Signature)'.

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of June 20,  
2011, is VACATED, and no party shall appear at that time. Plaintiff is granted leave to file  
opposition to the two motions for summary judgment by June 30, 2011. Defendants may then  
file replies by July 8, 2011.

IT IS SO ORDERED.

Dated: June 13, 2011

  
CHIEF UNITED STATES DISTRICT JUDGE