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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LIA CHARLENE FAALEVAO,)	1:10-cv-00688 OWW GSA
)	
)	SECOND INFORMATIONAL ORDER
Plaintiff,)	
)	
v.)	
)	
TIMOTHY DAVENPORT MECHEM,)	
INSURED, AND ALLSTATE)	
INSURANCE COMPANY,)	
)	
Defendants.)	

Parties to this litigation shall take note of the following requirements:

1. Defendants must reply to the complaint within the time provided by the applicable provisions of Fed. R. Civ. P. 12(a).

2. Unless otherwise ordered, all motions to dismiss, motions for summary judgment, motions concerning discovery, motions pursuant to Rules 7, 11, 12, 15, 41, 55, 56, 59 and 60 of the Federal Rules of Civil Procedure, and motions pursuant to Local Rule 110 shall be briefed pursuant to Local Rule 230.

3. At some point in the litigation, defendants may file a motion to dismiss this action on any number of grounds. Plaintiff is advised that he or she has the right to oppose the

1 motion in writing. Written oppositions must be filed not less than fourteen (14) days preceding
2 the noticed hearing date.

3 4. At some point in the litigation, one or more defendants may move for summary
4 judgment as to some or all of Plaintiff's claims. Pursuant to *Klinge v. Eikenberry*, 849 F.2d
5 409 (9th Cir. 1988) and *Rand v. Rowland*, 154 F.3d 952 (9th Cir. 1998), Plaintiff is advised of
6 the following requirements for opposing a motion for summary judgment made by defendants
7 pursuant to Rule 56 of the Federal Rules of Civil Procedure. Such a motion is a request for an
8 order for judgment on some or all of Plaintiff's claims in favor of defendants without trial. *See*
9 Rule 56(b). Defendant(s)' motion will set forth the facts which defendants contend are not
10 reasonably subject to dispute and that entitle defendant to judgment as a matter of law. *See* Rule
11 56(c).

12 Plaintiff has the right to oppose a motion for summary judgment. To oppose the
13 motion, Plaintiff must show proof of his or her claims. Plaintiff may agree with the facts set
14 forth in defendant(s)' motion but argue that defendant(s) are not entitled to judgment as a matter
15 of law. Plaintiff may show defendant(s)' facts are disputed in one or more of the following ways:
16 (1) Plaintiff may rely upon statements made under the penalty of perjury in the complaint *if* the
17 complaint shows that Plaintiff has personal knowledge of the matters stated and *if* Plaintiff calls
18 to the Court's attention those parts of the complaint upon which Plaintiff relies; (2) Plaintiff may
19 also serve and file affidavits or declarations¹ setting forth the facts which Plaintiff believes prove
20 Plaintiff's claims (the persons who sign the affidavit or declaration must have personal
21 knowledge of the facts stated); (3) Plaintiff may also rely upon written records but Plaintiff must
22 prove that the records are what Plaintiff claims they are²; (4) Plaintiff may also rely upon all or
23

24 ¹An affidavit is a written declaration or statement of facts, made voluntarily, and confirmed by the oath or
25 affirmation of the party making it, taken before an officer having authority to administer such oath. An unsworn
26 declaration has the same effect as an affidavit, provided that it is dated and signed under penalty of perjury, as
27 follows: "I declare under penalty of perjury that the foregoing is true and correct." 28 U.S.C. § 1746. Affidavits and
28 declarations must be made on personal knowledge and must set forth facts as would be admissible in evidence. *See*
Rule 56(e).

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

