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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MICHAEL J. WILLIAMS,)	1:10-cv-01793 AWI GSA
)	
Plaintiff,)	FIRST INFORMATIONAL ORDER
)	
v.)	
)	
JAY EDWARD CERNY, dba LOS OLIVOS)	
CML, Inc., CCOW dba County Bank of)	
Merced, MATT PEREZ dba Argo Equities,)	
)	
Defendants.)	
_____)	

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

In litigating this action, the parties must comply with the Federal Rules of Civil Procedure and the Local Rules of the United States District Court, Eastern District of California (“Local Rules”). This order highlights specific rules of which the parties should take particular note. **Failure to comply with the Local Rules, federal rules or a court order, including this order, will be grounds for dismissal, entry of default or other appropriate sanctions.** See Local Rule 110; Fed. R. Civ. P. 41(b).

1 plaintiff's claims (the persons who sign the affidavit or declaration must have personal
2 knowledge of the facts stated); (3) plaintiff may also rely upon written records but plaintiff must
3 prove that the records are what plaintiff claims they are:³ (4) plaintiff may also rely upon all or
4 any part of the transcript of one or more depositions, answers to interrogatories, or admissions
5 obtained in this proceeding. Should plaintiff fail to contradict defendants' motion with
6 affidavits, declarations, or other evidence, defendants' evidence will be taken as truth, and final
7 judgment may be entered without a full trial. *See* Fed. R. Civ. P. 56(e).

8 If there is some good reason why such facts are not available to plaintiff when required to
9 oppose such a motion, the Court will consider a request to postpone considering defendant(s)'
10 motion. *See* Fed. R. Civ. P. 56(f). If plaintiff does not serve and file a request to postpone
11 consideration of defendant(s)' motion or written opposition to the motion, the court may consider
12 plaintiff's failure to act as a waiver of opposition to defendant(s)' motion. Plaintiff's waiver of
13 opposition to defendant(s)' motion may result in the entry of summary judgment against plaintiff.

14 13. A motion supported by affidavits or declarations that are unsigned will be
15 stricken.

16 14. The failure of any party to comply with this order, the Federal Rules of
17 Civil Procedure, or the Local Rules of Court, may result in the imposition of sanctions including,
18 but not limited to, dismissal of the action or entry of default.

19 IT IS SO ORDERED.

20 **Dated: November 29, 2010**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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27 ³Sworn or certified copies of all papers referred to in an affidavit must be attached to the
28 affidavit and served on the opposing party. Fed. R. Civ. P. 56(e).