



1 Defendants also argue that Plaintiff's declaration in support of his motion contains  
2 improper legal conclusions and opinion testimony in violation of Federal Rule of Civil Procedure  
3 56(c)(4). (Doc. 34, p. 3.) Indeed, both of the declarations that Plaintiff attached to his motion do  
4 contain improper legal conclusions and opinion testimony rather than statements based on his  
5 personal knowledge.

6 In opposition to Defendants' motion to strike, Plaintiff acknowledges the errors and argues  
7 that he can rectify the errors by being allowed to submit a new Statement of Undisputed Facts and  
8 new declarations to support his motion. However, since his motion and all supporting documents  
9 have already been filed with the Court and total nearly two-hundred pages, it appears that  
10 confusion would easily be created by allowing Plaintiff to submit edited versions of various  
11 excerpted documents. The clearer, less confusing path, would be to strike Plaintiff's motion for  
12 partial summary judgment and grant him leave to file anew.<sup>1</sup>

13 Accordingly, it is HEREBY ORDERED that:

- 14 1. Defendants' motion to strike Plaintiff's partial motion for summary judgment, filed  
15 on November 13, 2014 (Doc. 34) is GRANTED;
- 16 2. Plaintiff's motion for partial summary judgment, filed on October 31, 2014 (Doc.  
17 32), and is STRICKEN from the record in this action, without prejudice;
- 18 3. Plaintiff is granted leave to file another motion for summary judgment prior to the  
19 dispositive motions deadline of March 23, 2015 (*see* Doc. 27) and if Plaintiff  
20 desires to do so, but is unable to timely comply, he should request an extension of  
21 time prior to that deadline, which will be liberally considered; and

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28 <sup>1</sup> Plaintiff would do well to look to the motion for summary judgment that Defendants filed on December 19, 2014 (Doc. 37) for guidelines/formatting if he desires to file another motion for summary judgment.

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4. Defendant's motion for an extension of time to file an opposition to Plaintiff's motion for partial summary judgment, filed November 13, 2014 (Doc. 35), is DISREGARDED as moot.

IT IS SO ORDERED.

Dated: December 31, 2014

/s/ Jennifer L. Thurston  
UNITED STATES MAGISTRATE JUDGE