



1 On October 18, 2017, Defendant Eyiuche filed a motion for summary judgment. (ECF  
2 No. 19.) On October 25, 2017, Defendant Eyiuche filed an amended motion for summary  
3 judgment. (ECF No. 22.) On November 2, 2017, Plaintiff filed an opposition titled “Plaintiff’s  
4 Opposition to Defendant’s Motion for Summary Judgment.” (ECF No. 26.) On November 22,  
5 2017, Defendant filed a reply to the opposition. (ECF No. 31.)

6 Plaintiff’s opposition, provides as follows, in its entirety:

7 Plaintiff Archie Cranford opposes defendant’s motion for summary  
8 judgment and requests that the motion be denied on the following ground. 1. The  
9 motion was not filed according to the time schedule provided by code of civil  
10 procedure section 437c, the moving party’s motion is not supported by a separate  
11 statement of undisputed facts which set forth the basis for such motion. Plainly  
12 and concisely the motion is based upon the declaration of [a] witness who was the  
13 sole witness to a material fact relied upon by the moving party. The court is not  
14 bound to deny the motion on this ground but can in its discretion. Plaintiff  
15 requests sanctions be imposed upon defendant for filing this motion in bad faith  
16 and for purpose of delay. In support of the request, plaintiff points out that  
17 defendant must have realized that in her inability to successfully oppose such a  
18 motion.

19 (ECF No. 26.)

20 In her reply to the opposition, Defendant argues that Plaintiff’s opposition is an  
21 opposition to Defendant’s *initial* motion for summary judgment filed on October 18, 2017, and  
22 not to her *amended* motion for summary judgment filed on October 25, 2017. Defendant asserts  
23 that Plaintiff has not filed any opposition to the *amended* motion for summary judgment.

24 In light of Defendant’s assertion, Plaintiff shall be granted thirty days in which to file an  
25 opposition to Defendant’s amended motion for summary judgment filed on October 25, 2017. In  
26 the alternative, Plaintiff may file written notice to the court that he does not wish to file a new  
27 opposition, and he wishes the court to proceed with his opposition filed on November 2, 2017,  
28 as his opposition to the *amended* motion for summary judgment.

Accordingly, IT IS HEREBY ORDERED that:

1. Within thirty days of the date of service of this order, Plaintiff shall **either**:

- a. File an opposition to Defendant’s *amended* motion for summary judgment of  
October 25, 2017, **or**

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