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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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CHUKWUEMEKA NDULUE,
Plaintiff,
v.

NO. CIV. 2:08-1696 WBS KJM
ORDER

FREMONT-RIDEOUT HEALTH GROUP;
LEONARD MARKS; PUSHPA RAMAN;
CHERRY ANN WY; ARUM KUMAR;
HARRY WANDER; and MAX LINS,
Defendants.

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Currently before the court are defendants Fremont-Rideout Health Group, Leonard Marks, Pushpa Raman, Cherry Ann Wy, Arum Kumar, Harry Wander, and Max Lins's motions for summary judgment pursuant to Federal Rule of Civil Procedure 56. In reply to plaintiff Chukwuemeka Ndulue's opposition to the motions for summary judgment, defendants raised evidentiary objections to several of plaintiff's key pieces of evidence submitted in

1 opposition to the motions, contending that much of plaintiff's
2 proffered evidence is irrelevant, improperly authenticated, and
3 hearsay. (Docket No. 209.)

4 Under the Local Rules of this court, the non-moving
5 party must file its opposition to the motion fourteen days
6 before, and the moving party must file its reply seven days
7 before, the date of the hearing on the motion. See E.D. Cal.
8 Local R. 230, 260. The injection of numerous evidentiary
9 objections less than one week before the hearing can hardly lead
10 to a meaningful hearing on the merits of the motion, and the
11 parties would be well served to give attention to the court's
12 prior rulings. See, e.g., Burch v. Regents of Univ. of Ca., 433
13 F. Supp. 2d 1110, 1118-22 (E.D. Cal. 2006).

14 In the interests of efficiency and justice, the court
15 will provide plaintiff with time to amend or resubmit his briefs
16 and supporting evidence to cure, if possible, defendants'
17 evidentiary objections, so that the evidence complies with the
18 Federal Rules of Evidence. Defendants may then file new
19 objections to the evidence. This will ensure that all admissible
20 evidence is before the court prior to ruling on defendants'
21 motions for summary judgment and limit the number of objections
22 this court must rule on to those that cannot be resolved by
23 amendment.

24 IT IS THEREFORE ORDERED that:

25 1) Plaintiff shall resubmit any amended opposition or
26 evidence in support thereof no later than fourteen days from the
27 date of this Order;

28 2) Defendants shall file any objections to plaintiff's

1 resubmission of evidence and resubmit any amended reply in
2 support of their motions for summary judgment no later than
3 twenty-one days from the date of this Order;

4 3) Any evidentiary objections must be in the form of a
5 separately numbered paragraph per objection, specifically
6 identifying the statement objected to in the evidence and its
7 location, citing the applicable Federal Rule of Evidence, and
8 articulating the objection made therein;

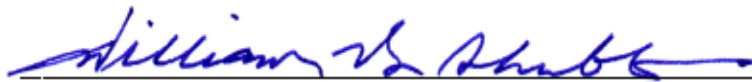
9 4) The hearing on defendants' motions for summary
10 judgment is continued to June 7, 2010, at 2:00 p.m.;

11 5) The Pretrial Conference set for June 1, 2010 is
12 hereby vacated and reset for July 12, 2010, at 2:00 p.m.; and

13 6) The trial date of June 22, 2010 is hereby vacated
14 and reset for September 14, 2010, at 9:00 a.m.

15 IT IS SO ORDERED.

16 DATED: May 5, 2010

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19 WILLIAM B. SHUBB
20 UNITED STATES DISTRICT JUDGE
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