

1 Exhibit B: pages B14 through B16.

2 Order, filed on April 28, 2014, ECF No. 81 at 7.

3 A review of the case docket reveals that the referenced exhibits have not been submitted
4 or filed under seal. Defendants' second amended statement of disputed facts is therefore not
5 adequately supported; in addition, a review of those "facts" indicates that several end in
6 incomplete sentences and without citation to evidentiary support. See, e.g., ECF No. 82,
7 defendants' second amended separate statement of undisputed facts, Nos. 42, 46, 52.

8 The court will now vacate defendants' motion for summary judgment. Defendants will be
9 granted seven (7) days to submit the documents for electronic sealing identified in the order of
10 April 28, 2014. Defendants must also submit a third amended separate statement of undisputed
11 facts that are complete and include citation to supporting evidence. Defendants' motion for
12 summary judgment will be deemed renewed upon the date of defendants' compliance with this
13 order. In addition, plaintiff will have thirty days to file his response to defendants' third amended
14 statement of undisputed facts.

15 Defendants must also, within seven days, show cause why further sanctions should not be
16 imposed for the failure to comply with a court order. The timing for adjudication of plaintiff's
17 dispositive motion is unaffected by this order.

18 Accordingly, IT IS ORDERED that:

19 1. Defendants' February 3, 2014 motion for summary judgment, ECF No. 65, is hereby
20 VACATED from the court's calendar;

21 2. Within seven (7) days: (a) defendants must submit the documents for sealing, pursuant
22 to Local Rule 141(e)(2)(i), as identified in the order of April 28, 2014 (and herein), (b) must file a
23 third amended separate statement of undisputed facts which must be corrected as noted above and
24 (c) show cause why additional sanctions should not be imposed for failure to comply with an
25 order of the court;

26 3. Defendants' motion for summary judgment will be renewed upon the court's calendar

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1 as of the date of their compliance with this order¹; however, the parties need not brief the motion
2 further with the exception that plaintiff will have thirty days, upon service of defendants' third
3 amended separate statement of undisputed facts, to file a response thereto;

4 4. Adjudication of plaintiff's dispositive motion may proceed and is unaffected by this
5 order.

6 DATED: July 23, 2014

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8 ALLISON CLAIRE
9 UNITED STATES MAGISTRATE JUDGE
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27 _____
28 ¹ Assuming defendants' compliance with this order, their motion for summary judgment, as
renoticed, will not be deemed untimely filed.