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2 IN THE UNITED STATES DISTRICT COURT  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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6 BILLY J. HATCHER,  
7 Plaintiff,  
8 v.  
9 COUNTY OF ALAMEDA, et al.,  
10 Defendants.  
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NO. C09-1650 TEH

ORDER CONTINUING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

12 Defendants' motion for summary judgment is currently scheduled for hearing on  
13 March 14, 2011. Plaintiff filed – but did not electronically file – a timely opposition, which  
14 the Court has now reviewed.

15 Although the exhibits to the declaration of Gayla Libet are voluminous, the opposition  
16 brief fails to contain any pinpoint citations to those exhibits. This is in violation of Federal  
17 Rule of Civil Procedure 56, which requires that, “[a] party asserting that a fact . . . is  
18 genuinely disputed must support the assertion by . . . *citing to particular parts of materials in*  
19 *the record*, including depositions, documents, electronically stored information, affidavits or  
20 declarations, stipulations (including those made for purposes of the motion only), admissions,  
21 interrogatory answers, or other materials.” Fed. R. Civ. P. 56(c)(1)(A) (emphasis added). A  
22 district court presented with a summary judgment motion “need not examine the entire file  
23 for evidence establishing a genuine issue of fact, where the evidence is not set forth in the  
24 opposing papers with adequate references so that it could conveniently be found.” *Carmen v.*  
25 *San Francisco Sch. Dist.*, 237 F.3d 1026, 1031 (9th Cir. 2001).

26 Accordingly, with good cause appearing, IT IS HEREBY ORDERED that:

27 1. Plaintiff shall file an amended opposition brief that includes specific citations to  
28 the record, including exhibit and page numbers.

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2. The amended opposition shall be electronically filed on or before **March 4, 2011**. Plaintiff shall also electronically file the declaration of Gayla Libet, with exhibits, by the same date. The Court will waive the requirement that Plaintiff submit another chambers copy of the declaration of Gayla Libet and its attached exhibits, but Plaintiff must timely submit a chambers copy of the amended opposition.

3. Defendants shall file a reply on or before **March 14, 2011**.

4. The hearing on Defendants' motion shall be continued to **March 28, 2011, at 10:00 AM**.

**IT IS SO ORDERED.**

Dated: 02/24/11

  
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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT