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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JONATHAN B. BUCKHEIT,

Case No. C 09-5000 JCS

Plaintiff(s),

**ORDER FOR JOINT STATEMENT OF
UNDISPUTED FACTS**

v.

TONY DENNIS, ET AL.,

Defendant(s).

_____ /

United States District Court
For the Northern District of California

Currently pending before the Court are four separate Motions for Summary Judgment filed by the parties in the above-captioned matter. The parties have submitted a purported “Amended Joint Statement of Undisputed Facts in Support of Motion for Summary Judgment.” *See* Docket No. 193. The Court has reviewed this document and finds that it contains numerous “facts,” which are not facts. *See* Docket No. 193, Nos. 45-67; 70-82; 92-93;112-117; 121; 123; 131-132; 148. These “facts” are contentions of the parties and do not indicate whether the underlying facts are undisputed. The purpose of a Joint Statement of Undisputed Facts is to set forth the facts that are no longer in dispute. Reciting “Officer Devlugt contends that CV-1 was wearing what appeared to be pajamas” is not the proper format for an undisputed fact. Rather, this format merely sets forth a contention of one of the parties. The Court’s Standing Order on Motions for Summary Judgment provides as follows:

The parties shall file a joint statement of undisputed facts. If the parties are unable to reach complete agreement after meeting and conferring, they shall file a joint statement of the undisputed facts about which they do agree. Separate statements of undisputed facts shall not be filed and will not be considered by the Court.

Civil Standing Orders for Magistrate Judge Joseph C. Spero, Revised 11/03/08, ¶ 17.

Because the parties’ submission violates this Court’s Standing Order, it will not be considered by the Court. The parties are ordered to submit a Joint Statement of Undisputed Facts

1 that consists only of facts and which complies with the Court's Standing Order on or before Tuesday
2 February 14, 2012 at 4:00 p.m.

3 The parties are cautioned that any party who objects to a proposed fact without a reasonable
4 basis for doing so may be subject to sanctions. Similarly, the Court may deem any proposed fact to
5 which a party does not respond to be undisputed

6 IT IS SO ORDERED.

7 Dated: February 10, 2012

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10 JOSEPH C. SPERO
11 United States Magistrate Judge
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