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UNITED STATES DISTRICT COURT
For the Northern District of California

UNITED STATES DISTRICT COURT
Northern District of California
San Francisco Division

UNITED STATES OF AMERICA,

No. C 11-04181 LB

Plaintiff,

**ORDER (1) DENYING WITHOUT
PREJUDICE THE GOVERNMENT'S
MOTION FOR SUMMARY
JUDGMENT, (2) DIRECTING THE
PARTIES TO SUBMIT A JOINT
STATEMENT OF UNDISPUTED
FACTS, AND (3) CONTINUING
DATES**

v.

PAUL J. WARNER,

Defendant.

[Re: ECF No. 40]

Plaintiff United States of America (the "Government") sued defendant Paul Warner, who is proceeding *pro se*, alleging that Mr. Warner defaulted on student loans that are guaranteed by and assigned to the United States. Complaint, ECF No. 1 at 1.¹ On January 31, 2013, the Government filed a motion for summary judgment. Motion, ECF No. 40. What was not filed, though, was a joint statement of undisputed facts, which is required by the undersigned's standing order. The standing order, which is available on the court's website and also is attached to this order, provides:

11. Motions for summary judgment **shall** be accompanied by a joint statement of the material facts that the parties agree are not in dispute. The joint statement **shall** include – for each undisputed fact – citations to admissible evidence. The parties **shall** comply with the procedures set forth in Civil Local Rule 56-2(b). The parties

¹ Citations are to the Electronic Case File ("ECF") with pin cites to the electronic page number at the top of the document, not the pages at the bottom.

1 **may not** file – and the Court will not consider – separate statements of undisputed
2 facts. Failure to stipulate to an undisputed fact without a reasonable basis for doing so
may result in sanctions. *See* Civil L. R. 56-2(b).

3 Standing Order for United States Magistrate Judge Laurel Beeler (effective January 4, 2013) at 4
4 (Section E, titled “Summary Judgment Motions”), *available at* <http://cand.uscourts.gov/lborders>
5 (emphasis added). For this reason alone, the court **DISMISSES WITHOUT PREJUDICE** the
6 Government’s motion. The Government may file another motion for summary judgment after the
7 parties file a joint statement of undisputed facts. The parties shall meet and confer regarding the
8 joint statement of undisputed facts by February 18, 2013, and they shall file the joint statement of
9 undisputed fact no later than February 21, 2013. The Government shall file any new motion for
10 summary judgment no later than February 21, 2013, and the motion shall be noticed for hearing on
11 April 4, 2013 at 11:00 a.m.

12 As the court assumes that the parties will file a joint statement of undisputed facts and that the
13 Government will file a new motion for summary judgment, the court notes that, although the
14 Government did provide at least a partial version of the facts, *see* Motion, ECF No. 40 at 3-8,
15 Government stated, “For a more complete statements of the facts, the Court is directed to the
16 Declaration of Rubio Canlas in Support of Plaintiff’s Motion for Summary Judgment (CANLAS
17 DEC., hereafter), filed herewith,” *id.* at 2-3. Given that it is it is the moving party’s ultimate burden
18 to persuade the court that there is “no genuine dispute as to any material fact and that the movant is
19 entitled to judgment as a matter of law,” Fed. R. Civ. P. 56(a), and also that the court “is not
20 obligated to consider matters not specifically brought to its attention,” *see* Schwarzer, Tashima &
21 Wagstaffe, Cal. Prac. Guide: Fed. Civ. Proc. Before Trial § 14.145.2 (Rutter Group 2013), the court
22 instructs the Government to include in the fact section of its motion all of the facts it wants the court
23 to be aware of. To allow a party to simply refer to additional facts set forth in a declaration would
24 allow that party to circumvent the page limitations that apply to motions. *See* N.D. Cal. Civ. L.R. 7-
25 2(b).

26 In light of this order, the court **CONTINUES** the remaining dates, including the trial date, as
27 follows:
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Case Event	Filing Date/Disclosure Deadline/Hearing Date
Last hearing date for dispositive motions and/or further case management conference	4/4/2013, at 11:00 a.m.
Meet and confer re pretrial filings	4/30/2013
Pretrial filings due	5/9/2013
Oppositions, Objections, Exhibits, and Depo Designations due	5/16/2013
Final Pretrial Conference	5/30/2013, at 10:30 a.m.
Trial	6/10/2013, at 8:30 a.m.
Length of Trial	1 day

IT IS SO ORDERED.

Dated: February 8, 2013



LAUREL BEELER
United States Magistrate Judge