

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

EDUARDO ENRIQUE ALEGRETT,

Plaintiff,

v.

CITY AND COUNTY OF SAN  
FRANCISCO, et al.,

Defendants.

Case No. [12-cv-05538-MEJ](#)

**ORDER RE: STATEMENT OF FACTS**

On December 3, 2013, Defendants filed a Motion for Summary Judgment, (Dkt. No. 43), but failed to file a statement of facts in compliance with the August 28, 2013 Notice Re: Summary Judgment Statement of Facts (Dkt. No. 32). Pursuant to August 28 Notice, all summary judgment motions must comply with the following requirements:

- (1) **Separate Statement of Facts.** Any party filing a motion for summary judgment must file a statement, separate from the motion and memorandum of law, setting forth each material fact on which the party relies in support of the motion. The separate statement should include only those facts that the Court needs to decide the motion. Other undisputed facts (such as those providing background about the action or the parties) may be included in the memorandum of law, but should not be included in the separate statement of facts. Each material fact in the separate statement must be set forth in a separately numbered paragraph and must refer to a specific admissible portion of the record where the fact finds support (for example, affidavit, deposition, discovery response, etc.). A failure to submit a separate statement of facts in this form may constitute grounds for the denial of the motion.
- (2) **Controverting Statement of Facts.** Any party opposing a motion for summary judgment must file a statement, separate from that party's memorandum of law, setting forth: (a) for each paragraph of the moving party's separate statement of facts, a correspondingly numbered paragraph indicating whether the party disputes the statement of fact set forth in that paragraph and a reference to the specific admissible portion of the record supporting the party's position if the fact is disputed; and (b) any additional facts that establish a genuine issue of material fact or otherwise preclude judgment in favor of the moving party. Each additional fact

1 must be set forth in a separately numbered paragraph and must refer to a specific  
2 admissible portion of the record where the fact finds support.

3 (3) **Reply Statement of Facts.** If the party opposing summary judgment sets forth  
4 additional facts, the moving party shall file a statement, separate from that's party  
5 reply brief, with correspondingly numbered paragraphs indicating whether the party  
6 admits or disputes the statement of fact set forth in that paragraph and, if disputed, a  
7 reference to the specific admissible portion of the record supporting the party's  
8 position. Facts that are not already included in the motion and/or opposition are not  
9 permitted.

10 (4) **Alternative Procedure.** As an alternative to filing a statement of facts and  
11 controverting statement of facts, the movant and the party opposing the motion may  
12 jointly file a stipulation signed by the parties setting forth a statement of the  
13 stipulated facts if the parties agree there is no genuine issue of any material fact. As  
14 to any stipulated facts, the parties so stipulating may state that their stipulations are  
15 entered into only for the purpose of the motion for summary judgment and are not  
16 intended to be otherwise binding.

17 As Defendants failed to file a separate statement of facts in compliance with the  
18 requirements above, the Court hereby ORDERS Defendants to file a statement by December 9,  
19 2013. Plaintiff shall file his Opposition and any Controverting Statement of Facts by December  
20 23, 2013. Defendants shall file their Reply and any Reply Statement of Facts by December 30,  
21 2013.

22 **IT IS SO ORDERED.**

23 Dated: December 4, 2013

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26 MARIA-ELENA JAMES  
27 United States Magistrate Judge  
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