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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RICARDO LOPEZ,
Plaintiff,
v.
CITY AND COUNTY OF SAN
FRANCISCO, et al.,
Defendants.

Case No. [12-cv-06523-MEJ](#)

ORDER RE: STATEMENT OF FACTS

On March 20, 2014, Defendants filed a Motion for Summary Judgment, (Dkt. No. 20), along with a Joint Statement of Undisputed Facts (Dkt. No. 28). However, it is unclear if the joint statement is intended to comply with the August 28, 2013 *Notice Re: Summary Judgment Statement of Facts*. Dkt. No. 15. Pursuant to the August 28 Notice, all summary judgment motions must include the following:

(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. 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 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.

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

5 (4) Alternative Procedure. As an alternative to filing a statement of
6 facts and controverting statement of facts, the movant and the party
7 opposing the motion may jointly file a stipulation signed by the
8 parties setting forth a statement of the stipulated facts and the
9 following statement: "The parties agree there is no genuine issue of
any material fact." As to any stipulated facts, the parties so
stipulating may state that their stipulations are entered into only for
the purpose of the motion for summary judgment and are not
intended to be otherwise binding.

10 Accordingly, the Court ORDERS Defendants to file an explanation by March 21, 2014, as
11 to whether the Joint Statement is intended to comply with Paragraph 4 above (which means all
12 parties would have agreed that there are no material facts in dispute), or whether there are material
13 facts in dispute (which means Defendants must instead file a Separate Statement of Facts in
14 accordance with Paragraph 1 above). If there are no material facts in dispute, the noticed briefing
15 and hearing schedule remains in effect. If there are material facts in dispute, the following
16 briefing schedule shall apply:

- 17 1) Defendants shall file their Separate Statement of Facts by March 27, 2014;
- 18 2) Plaintiff shall file any Opposition and Controverting Statement of Facts by April
19 10, 2014;
- 20 3) Defendants shall file any Reply and Reply Statement of Facts by April 17, 2014;
- 21 and
- 22 4) The hearing shall be continued to May 1, 2014.

23 **IT IS SO ORDERED.**

24
25 Dated: March 20, 2014

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27 _____
28 MARIA-ELENA JAMES
United States Magistrate Judge