

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02661-WYD-MEH

DANIELE CHAFIN,

Plaintiff,

v.

NICHOLAS STASI;
KELLI JAYCOX;
MICHAEL KELLY, and
THE CITY OF DURANGO,

Defendants.

MINUTE ORDER

ORDER ENTERED BY SENIOR JUDGE WILEY Y. DANIEL

Plaintiff's Motion for Summary Judgment (ECF No. 95) and Statement of Material Facts (ECF No. 96, filed erroneously in CM/ECF as a motion for summary judgment) are **STRICKEN** with leave to refile. Per Section III.B of my Practice Standards, the Movant's Statement of Material Facts must be included in the summary judgment motion. It may not be filed in a separate document.

Also, Plaintiff's Statement of Material Facts does not comply with my Practice Standards. Instead of stating facts that Plaintiff believes supports its motion, with a specific reference to material in the record that establishes that fact (Practice Standards, Section III.B.3), Plaintiff's Statement appears to be a response to certain facts stated by Defendants in their motion for summary judgment. That is not appropriate, as those facts would need to be admitted or denied in Plaintiffs' response to the summary judgment motion, as discussed in Section III.B.4 of my Practice Standards.

Finally, Plaintiff's Unopposed Motion for Leave to File Motion for Summary Judgment of Up to 20 Pages (ECF No. 94) is **GRANTED**. When Plaintiff refiles the motion for summary judgment, it may be up to 20 pages in length, excluding the Statement of Material Facts.

Dated: September 3, 2014