

UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE

ANTHONY J. SINENI, III, ESQ.,            )  
  )  
                  Plaintiff,                            )  
  )  
                  v.    )            2:16-cv-000520-JAW  
  )  
  )  
CUMBERLAND COUNTY                            )  
SHERIFF'S OFFICE,                            )  
  )  
                  Defendant.                            )

**INTERIM ORDER ON MOTION FOR SUMMARY JUDGMENT**

On September 1, 2017, the Cumberland County Sheriff's Office filed a motion for summary judgment together with a statement of undisputed material facts. *Def.'s Mot. for Summ. J.* (ECF No. 55); *Def.'s Statement of Material Facts in Support of Mot. for Summ. J.* (ECF No. 56) (DSMF). On October 10, 2017, Mr. Sineni filed his opposition to the motion for summary judgment and in the alternative, he moved for a voluntary dismissal without prejudice; he also filed a response to the Cumberland County Sheriff's Office's statement of facts and posited additional facts. *Pl. Anthony J. Sineni's Opp'n to Def.'s Mot. for Summ. J. or in the Alternative Mot. for Voluntary Dismissal Without Prejudice* (ECF No. 60); *Pl.'s Statement of Material Facts in Support of Opp'n to Def.'s Mot. for Summ. J.* (PRDSMF); *Pl.'s Additional Facts* (PSAMF) (ECF No. 60). On October 24, 2017, The Cumberland County Sheriff's Office filed a reply to Mr. Sineni's motion for summary judgment with a response to Mr. Sineni's statement of additional material facts as well as an objection to Mr.

Sineni's motion to dismiss. *Reply in Support of Def.'s Mot. for Summ. J.; Obj. to Mot. to Dismiss* (ECF No. 64); *Resp. to Pl.'s Statement of Facts* (DRPSAMF) (ECF No. 65).

In Cumberland County Sheriff's Office's original statement of material facts, although the Defendant filed an affidavit from Kevin Joyce, the Sheriff of Cumberland County, which supported these paragraphs, the Defendant failed to cite any record support for statements of material fact 1, 2, 3, 4, 5, 6, 13, 14 and 15. DSMF ¶¶ 1-6, 13-15. This failure violated District of Maine Local Rule 56(b), which requires that each fact asserted in the statement "shall be supported by a record citation as required by subsection (f) of this rule." D. ME. LOC. R. 56(b). Subsection (f) provides in part:

An assertion of fact set forth in a statement of material facts shall be followed by a citation to the specific page or paragraph of identified record material supporting the assertion. The court may disregard any statement of fact not supported by a specific citation to record material properly considered on summary judgment.

*Id.* 56(f). In his response to the Defendant's statement of material facts, Mr. Sineni noted the absence of record citation and properly objected to those paragraphs as failing to meet the requirements of subsection (f) of Local Rule 56. PRDSMF ¶¶ 1-6, 13-15.

In its reply, the Cumberland County Sheriff's Office recognized its error and resubmitted a new original statement of material fact, this time with proper record citations to Sheriff Joyce's affidavit. DRPSAMF ¶¶ 1-6, 13-15. Procedurally, however, due to the Cumberland County Sheriff's Office's initial failure to comply

with the Local Rules, Mr. Sineni has not had the opportunity to respond to properly cited paragraphs.

To give Mr. Sineni that opportunity, the Court ORDERS that Plaintiff Anthony J. Sineni, III, Esq. file amended responses to the Cumberland County Sheriff's Office's refiled statement of facts dated October 24, 2017 under docket number 65 in accordance with District of Maine Local Rule 56(c) within fourteen days of the date of this Order. If Mr. Sineni wishes to file a supplemental legal memorandum along with his amended response to the statements of material fact, he may do so within the same fourteen days. Any amended memorandum must be limited to legal issues caused by the Cumberland County Sheriff Office's original failure to comply with the Local Rules.

If the Cumberland County Sheriff's Office wishes to respond to Mr. Sineni's new filings, it must do so within seven days of the date of Mr. Sineni's filings.

SO ORDERED.

/s/ John A. Woodcock, Jr.  
JOHN A. WOODCOCK, JR.  
UNITED STATES DISTRICT JUDGE

Dated this 23rd day of April, 2018