

**FILED**

**AUG 04 2017**

Clerk, U.S. District Court  
District Of Montana  
Helena

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE DISTRICT OF MONTANA**

**BUTTE DIVISION**

DANIEL J. (DAN) STRIZIC,

Plaintiff,

vs.

NORTHWESTERN CORPORATION,  
d/b/a NORTHWESTERN ENERGY  
COMPANY, and JOHN & JANE  
DOES 1-7,

Defendants.

No. CV 16-16-BU-SEH

**ORDER**

Defendant Northwestern Corporation d/b/a Northwestern Energy Company (“NWE”) on June 27, 2017, moved for summary judgment of all claims by two separate motions<sup>1</sup> and briefs<sup>2</sup> with one statement of undisputed facts.<sup>3</sup> Plaintiff responded on July 18, 2017.<sup>4</sup>

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<sup>1</sup> Doc. 46; Doc. 48.

<sup>2</sup> Doc. 47; Doc. 49.

<sup>3</sup> Doc. 50.

<sup>4</sup> Doc. 55; Doc. 56.

L.R. 7.1(d)(2)(A) restricts briefs to 6,500 words. L.R. 7.1(d)(2)(D) specifies that “[f]iling serial motions to avoid word limits may result in denial of all such motions.” NWE’s two briefs combined contain 11,125 words.

L.R. 56.1(a)(2) requires a statement of undisputed facts to “pinpoint cite to a specific pleading, deposition, answer to interrogatory, admission or affidavit before the court to support each fact.” NWE’s statement fails to appropriately pinpoint cite facts, *see, e.g.*, Doc. 50 Nos. 96–144, 182, 184–187, 191, 192, 194–201, and 203–205. Such citations fail to disclose the precise location at which the information referenced is located in the record. Instead, each generically references a 22-page document: “Aff. Brown ¶1, Ex. E; Def.’s Expert Witness Disclosure ¶1, Doc. 31.”<sup>5</sup>

L.R. 56.1(b) also requires the party responding to a motion for summary judgment to separately file a statement of disputed facts, which must “set forth verbatim the moving party's Statement [of undisputed facts], adding only . . . whether each fact” is disputed or undisputed. Plaintiff neither filed a statement of disputed facts nor responded to NWE’s statement of undisputed facts as required by L.R. 56.1(b)(1). Two statements of undisputed facts as required by L.R.

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<sup>5</sup> *E.g.* Doc. 50 at 29, No. 96.

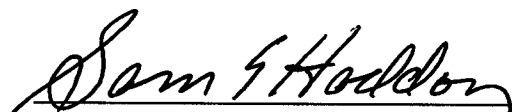
56.1(b)(2) were filed by Plaintiff.<sup>6</sup> However, those statements were attached to Plaintiff's response briefs,<sup>7</sup> not filed separately as required by L.R. 56.1(b).

The parties' failure or refusal to observe and comply with the filing requirements of the rules of this district cannot and will not be overlooked or excused or rewarded. *See* L.R. 1.1(d). Further consideration of the motions is neither necessary nor appropriate.

ORDERED:

NWE's motions for summary judgment<sup>8</sup> are DENIED.

DATED this 4<sup>th</sup> day of August, 2017.

  
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SAM E. HADDON  
United States District Judge

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<sup>6</sup> Doc. 55-1; Doc. 56-1.

<sup>7</sup> Doc. 55; Doc. 56.

<sup>8</sup> Doc. 46; Doc. 48.