

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

BOBBY-RAY DUBOSE,

Plaintiff,

vs.

Civil Action 2:11-CV-71

Judge Sargus

Magistrate Judge King

JOHN KASICH, *et al.*,

Defendants.

ORDER

Defendants Becky Stinchcomb, Dennis Murphy and Donald Breckenridge have filed a motion for summary judgment.<sup>1</sup> Doc. No. 41. Plaintiff is advised that Rule 56(c) of the Federal Rules of Civil Procedure provides as follows:

(1) Supporting Factual Positions. A party asserting that a fact cannot be or is genuinely disputed must support the assertion by:

(A) citing to particular parts of materials in the record, including depositions, documents, electronically stored information, affidavits or declarations, stipulations (including those made for purposes of the motion only), admissions, interrogatory answers, or other materials; or

(B) showing that the materials cited do not establish the absence or presence of a genuine dispute, or that an adverse party cannot produce admissible evidence to support the fact.

This means that the facts stated in the affidavits or other papers submitted in support of the defendants' motion will be accepted as true by the Court unless plaintiff submits other evidence showing that there is a genuine conflict of fact. If plaintiff has personal

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<sup>1</sup>Defendants Timothy J. Shriner and Jim Shriner have not moved for summary judgment.

knowledge of facts that are different from those set out in defendants' supporting documents, he should submit an affidavit<sup>2</sup> stating those contrary facts. He should also submit the affidavits of such other persons having knowledge of the facts and any documents he has relating to the facts. If plaintiff intends to respond to the motion for summary judgment, he shall do so within twenty-one (21) days from the date of this Order.

**IT IS SO ORDERED.**

May 22, 2012

s/Norah McCann King  
Norah M<sup>c</sup>Cann King  
United States Magistrate Judge

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<sup>2</sup>The affidavit need not be notarized. It is sufficient if the affiant makes an unsworn declaration under penalty of perjury in the following form: "I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on (date). (Signature)." See 28 U.S.C. §1746.