

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ACE OILFIELD RENTALS, LLC,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-15-672-D
)	
WESTERN DAKOTA WELDING)	
AND FABRICATION, LLC,)	
DOUG KERKVLiet,)	
TUCKER PANKOWSKI, and)	
WESDAK WELDING AND)	
DIESEL, LLC,)	
)	
Defendants.)	

ORDER

Defendant Doug Kerkvliet’s Response to Plaintiff’s Motion for Partial Summary Judgment [Doc. No. 116] is hereby **STRICKEN** for failure to comply with LCvR 7.1 and 56.1, and FED. R. CIV. P. 6(b)(1)(B) and 56(c) and (e). Defendant Kerkvliet filed his response thirty-five days after the deadline, and he did not file a motion seeking leave to file out of time.¹ Further, the response does not include a section that responds “by correspondingly numbered paragraph, to the facts” asserted by Plaintiff, nor does it cite with particularity to any evidentiary

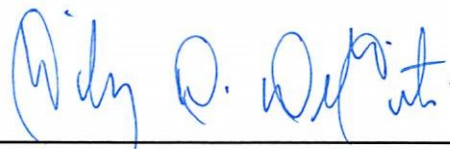
¹ Pursuant to LCvR 7.1(g), a party opposing a motion shall file a response within twenty-one days after the motion is filed; any motion that is not opposed within the twenty-one days “may, in the discretion of the court, be deemed confessed.” *See also* FED. R. CIV. P. 6(b)(1)(B) (“When an act may or must be done within a specified time, the court may, for good cause, extend the time on motion made after the time has expired if the party failed to act because of excusable neglect.”)

material in the record. LCvR 56.1(c).² As a result, the Court cannot decipher what facts Defendant Kerkvliet contends are in dispute. Although a *pro se* litigant's pleadings are to be construed liberally and held to a less stringent standard than formal pleadings drafted by lawyers, *pro se* parties still must follow the same rules of procedure that govern other litigants. *See, e.g., Garrett v. Selby Connor Maddux & Janer*, 425 F.3d 836, 840 (10th Cir. 2005). The Court has already cautioned Defendant Kerkvliet about failing to follow the Local Rules of this Court and the Federal Rules of Civil Procedure. [Doc. No. 104].

A copy of the Court's Local Rules is posted on the Court's website at https://www.okwd.uscourts.gov/wp-content/uploads/local_rules_6-22-2018A.pdf. The Court also directs the Clerk of Court to mail a copy of the Local Civil Rules to Mr. Kerkvliet.

² *See also* FED. R. CIV. P. 56(c), which provides that a “party asserting that a fact cannot be or is genuinely disputed must support the assertion by citing to particular parts of materials in the record . . . or 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.” “If a party fails to properly address another party’s assertion of fact as required by Rule 56(c), the court may consider the fact undisputed for purposes of the motion” or “may grant summary judgment if the motion and supporting materials—including the facts considered undisputed—show that the movant is entitled to it.” FED. R. CIV. P. 56(e)(2), (3).

IT IS SO ORDERED this 1st day of April 2021.



TIMOTHY D. DeGIUSTI
Chief United States District Judge