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5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 JASON PAUL CHESTER,

9 Plaintiff,

10 v.

11 UNIVERSITY OF WASHINGTON, et  
12 al.,

13 Defendants.

CASE NO. C11-5937 BHS

ORDER GRANTING  
DEFENDANTS' MOTION FOR  
SUMMARY JUDGMENT

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15 This matter comes before the Court on the Defendants' ("University of  
16 Washington") unopposed motion for summary judgment (Dkt. 55). In it, the University  
17 of Washington seeks dismissal of all claims against it. *Id.* Plaintiff Jason Chester  
18 ("Chester") has failed to file a response opposing the motion.

19 Rule 7(b)(2) of the Local Rules states that "[i]f a party fails to file papers in  
20 opposition to a motion, such failure may be considered by the court as an admission that  
21 the motion has merit." However, in considering a motion for summary judgment, the  
22 motion should not be granted simply because there is no opposition, even if the failure to

1 oppose violated a local rule. *See Henry v. Gill Indus.*, 983 F.2d 943, 950 (9th Cir. 1993).  
2 Rather, the moving party must demonstrate the absence of genuine issues of material fact,  
3 regardless of whether the party against whom the motion for summary judgment is  
4 directed has filed any opposition. *See Cristobal v. Siegel*, 26 F.3d 1488, 1491 (9th Cir.  
5 1994).

6 Here, the University of Washington filed a motion for summary judgment in  
7 which it demonstrates a factual record of compliance with the Americans with  
8 Disabilities Act and the Rehabilitation Act as applied to Chester as well as showing the  
9 absence of genuine issues of material fact. Chester has failed to file any opposition.  
10 Accordingly, the Court concludes that the University of Washington's motion for  
11 summary judgment should be granted.

12 The Court, having considered the pleadings filed in support of the motion and the  
13 remainder of the file, does hereby find and **ORDER** that the University of Washington's  
14 motion for summary judgment (Dkt. 55) is **GRANTED** and the claims alleged in the  
15 Plaintiff's complaint against the University of Washington are **DISMISSED with**  
16 **prejudice**.

17 Dated this 6<sup>th</sup> day of November, 2012.

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BENJAMIN H. SETTLE  
21 United States District Judge  
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