

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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GREGORY E. SMITH SR.,

Plaintiff,

v.

CAPITAL CARTAGE, INC.,

Defendant.

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ORDER

09-cv-684-bbc

In this case, plaintiff Gregory Smith is proceeding on claims for race and age discrimination against defendant Capital Cartage, Inc. Both sides have recently filed motions for summary judgment.

Briefing will be set on defendant's motion as follows: plaintiff will have until November 5, 2010 to file his opposition, and defendant will have until November 15, 2010 to file its reply.

Briefing on plaintiff's motion will be stayed because his submissions in support of his motion do not comply with the court's Procedure To Be Followed On Motions For Summary Judgment, attached to the March 2, 2010 order in this case. In particular, plaintiff's findings of fact do not contain references to evidence supporting those findings. To the extent that some of these findings appear to be based on plaintiff's personal knowledge, he does not include an affidavit sworn under penalty of perjury stating that he witnesses various events occur. I will give plaintiff a chance to resubmit his proposed findings of fact and supporting materials on order to comply with the court's procedures. He will have until October 19, 2010 to submit these materials or his motion will be considered withdrawn. Attached to this order is a copy of the court's procedures. Plaintiff might also find it useful to look at defendant's submissions as an example of how to comply with the procedures.

ORDER

IT IS ORDERED that:

1. Briefing on defendant's motion for summary judgment will proceed as follows: plaintiff will have until November 5, 2010 to file his opposition, and defendant will have until November 15, 2010 to file its reply.

2. Briefing on plaintiff's motion for summary judgment is STAYED pending plaintiff's resubmission of his materials in support of his motion. If plaintiff does not resubmit his materials by October 19, 2010, his motion for summary judgment will be considered withdrawn.

Entered this 6<sup>th</sup> day of October, 2010.

BY THE COURT:

/s/

STEPHEN L. CROCKER  
Magistrate Judge