

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

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RODOLFO MARTINEZ,

Plaintiff,

v.

STATE OF WISCONSIN  
DEPARTMENT OF HEALTH AND  
FAMILY SERVICES,

Defendants.  
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ORDER

99-C-762-C

Plaintiff has filed documents titled “Plaintiff Rodolfo Martinez’s Response to Order to Show Cause” and “Plaintiff Rodolfo Martinez’s Response to Order to Show Cause and Memorandum in Support Thereof.” Plaintiff filed similar documents in another of his cases, Martinez v. State of Wisconsin, 99-C-583-C, which I construed as a request for an enlargement of time in which to oppose a motion for summary judgment. Similarly, in this case, plaintiff’s “response to order to show cause” is a request for more time in which to oppose defendants’ motion for summary judgment. Therefore, I construe the document as a motion to extend the schedule for briefing defendant’s motion for summary judgment by sixty days in order to allow

plaintiff to find a lawyer willing to represent him in this case. For the reasons expressed in Martinez v. State of Wisconsin, 99-C-583-C, I cannot grant plaintiff the lengthy extension he seeks. However, the deadline will be extended slightly.

Plaintiff's "response to order to show cause and memorandum in support thereof" appears to be an attempt by plaintiff to respond to defendants' motion without the assistance of counsel. Because the submission is not in strict compliance with this court's procedures to be followed on motions for summary judgment, a copy of which was sent to the parties with the magistrate judge's preliminary pretrial conference order dated February 11, 2000, I will allow plaintiff another opportunity to respond to the motion.

As I pointed out to plaintiff in connection with case no. 99-C-583-C, when he prepares his response to defendants' summary judgment motion, he should file a document separate from his memorandum of law in which he responds to each of defendants' proposed findings of fact in numbered paragraphs that match the defendants' proposed facts and comply with Procedures II.C.3. ¶¶ b-d. Each numbered paragraph should talk about only the subject matter of the fact proposed by defendants.<sup>1</sup> If plaintiff disagrees with any fact proposed by

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<sup>1</sup>For instance, if defendants' proposed fact states: "1. The horse is green. See Exhibit A at page 5," plaintiff's proposed findings of fact should begin "1. The horse is not green. Rather the horse is a mottled blue. See Affidavit of John X. at paragraph 7."

defendants, he should point out the evidence that supports his version of the fact. The evidence may be an affidavit, answers to interrogatories, original documents or photocopies of documents that have been certified as being true and correct copies of the documents they appear to be, as well as other forms of evidence permitted under the Federal Rules of Civil Procedure. The documents plaintiff has attached to his “response to order to show cause and memorandum in support” are not original documents and therefore cannot be considered by the court unless they are certified as true and correct copies. I note that the documents appear to be papers that plaintiff prepared or received from defendants in connection with his job. Therefore, he may swear in his own affidavit that they are documents given him by defendants instead of obtaining certification of them in some other way.

#### ORDER

IT IS ORDERED that the schedule for briefing defendant's motion for summary judgment is changed as follows:

Plaintiff may have until July 21, 2000, in which to serve and file 1) a response to defendant's proposed findings of fact, 2) a brief and 3) evidence in opposition to defendants' motion for summary judgment.

Defendants may have until July 31, 2000, in which to serve and file a reply.

Entered this \_\_\_\_\_ day of July, 2000.

BY THE COURT:

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BARBARA B. CRABB  
District Judge