

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

WILLIE WILLIAMS,

Plaintiff,

v.

WARDEN GERALD BERGE and
C.O. II H. BRAY

Defendants.

ORDER

02-C-283-C

Plaintiff has filed a response to defendants' motion for summary judgment that does not comply with this court's summary judgment procedures. A copy of the procedures was sent to each party with the preliminary pretrial conference order entered in this case on August 13, 2002. Specifically, plaintiff has not answered defendants' proposed facts properly. He has not filed a document answering each numbered fact defendants proposed in separate paragraphs using the same number as required by Procedure II.D. Rather, plaintiff has submitted what appears to be an entirely new set of proposed facts that may or may not be proper under the court's procedures. Procedure II.B. allows a non-moving party to file his own set of proposed facts only if additional facts are necessary to support the non-

movant's position. In other words, plaintiff should not be repeating in a document designated as his own set of proposed facts, statements of fact that he should be making in response to specific facts proposed by the defendants.

There is another flaw in the way plaintiff has proposed his facts, and that is that he does not tell the court and defendants where there is evidence in the record to support his version of each fact he disputes or each new fact he proposes. Plaintiff should refer specifically to the court's Procedure II.D.2., which provides an example of how his disputed facts should appear, and to Procedure I.B.2. for an example of how new proposed facts should appear.

Finally, plaintiff has submitted a number of exhibits that are unauthenticated photocopies of documents. Procedure I.C. sets out what may be submitted as evidence in support of or in opposition to a motion for summary judgment. Plaintiff should pay particular attention to Procedure C.I.f., to learn precisely how he must submit documentary evidence if he wishes it considered.

Because plaintiff's response to defendants' proposed findings of fact does not comply with this court's procedure, I will extend the schedule for briefing defendants' motion slightly so that plaintiff may submit a revised response that does comply. In the event he has misplaced the procedures sent to him earlier, I am enclosing another copy to plaintiff with this order.

ORDER

IT IS ORDERED that the schedule for briefing defendants' motion for summary judgment is REVISED as follows:

1. Plaintiff may have until January 10, 2003, in which to serve and file a revised response to defendants' proposed findings of fact, together with any evidentiary material that may be required to support the response.

2. Defendants may have until January 24, 2003, in which to serve and file their reply.

Entered this 18th day of December, 2002.

BY THE COURT:

STEPHEN L. CROCKER
Magistrate Judge