

John Gary Given, Michele Louise Given



UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
EASTERN DIVISION

John Gary Given, Michele Louise Given	)	ED CV 04-00075 RT (MCx)
PLAINTIFF	)	
-V-	)	RESPONSE OPPOSING
United States of America	)	MOTION FOR
DEFENDANT	)	SUMMARY JUDGEMENT
.....	)	PURSUANT TO F.R. CIV. P.
	)	56 (e) LOCAL RULE 7-9 and
	)	56-2

The plaintiffs John Gary Given and Michele Louise Given oppose the request for summary judgement and ask the court to review the proceedings of the scheduling conference required under Federal Rules of Civil Procedure 26 (f). and Local Rule 16-10 --Waiver of pretrial. Defendant has continually refused to meet and confer with plaintiffs, thereby avoiding the purpose for which the pretrial conference is required (F.R. Civ. P. 16 (a) (1), (2), (3), (4) and (5)). Local

Rule 16-10 requires that the reasons for requesting the waiver be included in the Joint Scheduling Conference Report. That conference never took place and the reasons for requesting the waiver have never been explained. This, we believe, has lead to a misunderstanding of our position, as stated in the Motion for Summary Judgement filed by the defendant.

The arguments presented in our pleadings have never been addressed by the defendant, nor does the Motion for Summary Judgement attempt to enlighten us as to the actual requirements of the Law.

Respectfully submitted,

May 09, 2005

John Gary Given  
Plaintiff, pro per

May 09, 2005

Michele Louise Given  
Plaintiff pro per