

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

CONVERDYN,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:14-cv-1012 (RBW)
	)	
ERNEST J. MONIZ and UNITED	)	
STATES DEPARTMENT OF ENERGY,	)	
	)	
Defendants.	)	
_____	)	

**DEFENDANTS’ RESPONSE TO  
PLAINTIFF’S STATEMENT OF FACTS  
IN SUPPORT OF ITS  
MOTION FOR SUMMARY JUDGMENT**

Defendants object to the filing of plaintiff’s “Statement of Facts in Support of its Motion for Summary Judgment,” (Dkt. 39) as this document is not authorized by Local Rule 7 (“Motions”) and permits plaintiff to circumvent the 45-page limit on motions and oppositions contained in Local Rule7(e).

In motions for summary judgment in record review cases such as this, Local Rule 7(h)(2) provides that the ordinary rule requiring a separate statements of material facts shall not apply. Instead, “motions for summary judgment and oppositions thereto shall include a statement of facts with references to the administrative record.” *Id.* (emphasis added). Thus, plaintiff’s recitation of the relevant facts from the administrative record should have been included in plaintiff’s Memorandum supporting its motion, (Dkt. 40) rather than in a separate document. By filing a separate 17-page Statement of Facts, in

addition to its 39-page Memorandum, plaintiff has exceeded Local Rule 7(e) page limit by over ten pages without leave of court.

Finally, Local Rule 7 does not require defendant to file a point-by-point response to a statement of facts in a record review case, notwithstanding plaintiff's violation of the Rule through the filing of a separate statement of facts.

September 25, 2014

Respectfully submitted,

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Acting Assistant Attorney General

RONALD C. MACHEN, JR..  
United States Attorney

*/s/ Daniel Bensing*  
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Certificate of Service

I hereby certify that on the 25th day of September, 2014, I caused the forgoing Defendants' Response to Plaintiff's Statement of Facts In Support of Its Motion for Summary Judgment to be served on counsel for plaintiff by filing with the Court's electronic case filing system.

/s/ Daniel Bensing

Daniel Bensing