

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

FILED
KENNETH J. MURPHY
CLERK
01 AUG 16 PM 3:43
U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
WESTERN DIV. DAYTON

MICHAEL A. GALLUZZO,

Plaintiff(s), : Case No. C-3-01-174

-vs-

Magistrate Judge Michael R. Merz

CHAMPAIGN COUNTY COURT OF
COMMON PLEAS,

Defendant(s), :

**ORDER TO PRO SE PLAINTIFF UPON FILING OF MOTION TO DISMISS
OR MOTION FOR SUMMARY JUDGMENT**

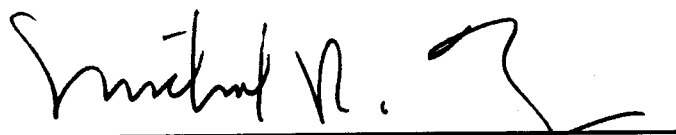
You are hereby notified that the Defendant(s) have filed with the Court on August 15, 2001, a motion to dismiss your claim in this case or for summary judgment on those claims. You should receive a copy of the motion directly from the Defendant(s).

Under the rules of this Court (S.D. Ohio L.R. 7.2) you are allowed twenty-one days from the date of service (August 14, 2001) within which to file a response to this motion, plus an extra three days if the motion was served on you by mail. Your response must be filed with the Court not later than **September 7, 2001**.

Under Fed. R. Civ. Proc. 56, a party faced with a motion for summary judgment cannot rely merely on the claims he or she has made in the Complaint, but must respond with evidence which shows that there is a genuine issue of material fact for trial in the case. The evidence must be of the same quality as would be admissible at trial in the case.

MRM/kse-c

August 16, 2001.



Michael R. Merz
UNITED STATES MAGISTRATE JUDGE

27