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ATTORNEY FOR DEFENDANT

IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MONTANA **BUTTE DIVISION**

RICHARD CELATA. Plaintiff, 2:07-CV-00024-SEH-RKS **DEFENDANT'S MOTION FOR** VS. SUMMARY JUDGMENT UNITED STATES OF AMERICA. Defendant.

COMES NOW, defendant United States of America, by and through its counsel of record, George F. Darragh, Jr., Assistant United States Attorney for the District of Montana and pursuant to Rule 56(b) Fed. R. Civ. P. moves for summary judgment upon the grounds there are no disputed material facts and defendant is entitled to judgment as a matter of law. In support of said motion, defendant files herewith a memorandum

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In accordance with L.R. 7.1(j) opposing counsel's office has been contacted and advises they do oppose this motion.

DATED this 31st day of May, 2007.

WILLIAM W. MERCER United States Attorney

/s/ George F. Darragh, Jr. GEORGE F. DARRAGH JR. Assistant U.S. Attorney Attorney for Defendant

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