

## Rule 7056 - 1

### Summary Judgment

#### **(a) Motion**

Any party filing a motion for summary judgment shall set forth separately from the memorandum of law, and in full, the specific facts relied upon in support of the motion. The specific facts shall be set forth in serial fashion and not in narrative form. As to each fact, the statement shall refer to the specific portion of the record where the fact is found (i.e., affidavit, deposition, etc.). The specific portions of the record relied upon shall be attached to the statement of material facts.

#### **(b) Status Conference**

*A telephone status conference shall be held as soon as practicable. The party filing the motion for summary judgment shall file and serve notice of the status conference upon the other party with the notice of motion for summary judgment. A date and time for the status conference should be requested via the Court's website. At the status conference the Court shall set the time for filing and serving the responsive memorandum prescribed in (c), the reply memorandum prescribed in (d), and the date and time for oral argument on the motion for summary judgment.*

#### **(b)(c) Responsive Memorandum**

Any party opposing a motion for summary judgment must file with its responsive memorandum a statement in the form prescribed in (a), setting forth the specific facts which the opposing party asserts establishes a genuine issue of material fact precluding summary judgment. Each fact must explicitly identify any fact(s) asserted by the moving party which the opposing party disputes or clarifies. (E.g.: "Defendant's fact #1: Contrary to plaintiff's fact #1, . . .") Following the fact and record citation, the opposing party may briefly describe any evidentiary reason the moving party's fact is disputed. (E.g.: "Defendant's supplemental objection to plaintiff's fact #1: hearsay.")

#### **(e)(d) Reply Memorandum**

The moving party may file with its reply memorandum, if any, a statement in the form prescribed in (a), setting forth the specific facts which the moving party asserts establishes the absence of genuine material fact disputes. Each fact must explicitly identify any fact(s) asserted by the opposing party which the moving party disputes or clarifies, although the moving party need not repeat facts asserted in its initial statement of facts. (E.g.: "Plaintiff's fact #1: Contrary to defendant's fact #1, . . .") Following the fact and record citation, the moving party may briefly describe any evidentiary reason the opposing party's fact is disputed. (E.g.: "Plaintiff's supplemental objection to defendant's fact #1: Party admission exception to hearsay.")

**LBR 7056-1**

**May 1, 1996 ~~December 1, 2008~~**

**~~(d)~~(e) Assumptions by Court**

In determining any motion for summary judgment, the Court may assume that the facts as claimed by the moving party are admitted to exist without controversy except as and to the extent that such facts are controverted by the record set forth in paragraph (c) above.

**Related Provisions**

FRBP 7056                      Summary Judgment

**LBR 7056-1**  
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