

DISPOSITIVE MOTIONS

- Dispositive motions subject to the separate brief requirement include: (1) motions for summary judgment (or partial summary judgment) under Fed. R. Civ. P. 56; (2) motions to dismiss under Fed. R. Civ. P. 12(b); and (3) motions for judgment on the pleadings under Fed. R. Civ. P. 12(c).
- A separate brief or memorandum of law in support of the motion is required. *See* D. Kan. L.B.R. 7056.1 and 7012.1. The non-movant's response brief or memorandum of law in opposition to the motion should address the facts, issues, and legal argument and authority presented in the movant's brief. The movant is permitted to file a reply brief: (i) in the case of a summary judgment motion, to respond to any additional statements of uncontroverted fact submitted in the response brief; and (ii) to address arguments and matters raised for the first time in the response brief. It is not appropriate in a reply brief to re-state or re-argue matter previously presented in the movant's opening brief or supporting memorandum of law.
- If a brief or memorandum of law in support of the movant's motion is not filed or does not comply with the requirements of the applicable rules, including local court rules such as D. Kan. LBR 7012.1 and 7056.1, the Court may, without further notice, decline to consider or act upon the dispositive motion, may strike the motion, or may deny the relief requested.
- The 30-page limit on briefs set forth in D. Kan. L.B.R. 9013.1(b) applies unless leave of court to exceed the page limit is first sought and granted. ***Counsel and parties should comply with the 21-day and 14-day deadlines for response and reply briefs set forth in the local rules: D. Kan. L.B.R. 7012.1(b), and D. Kan. L.B.R. 7056.1(f).***