

LBR 7056.1

MOTIONS FOR SUMMARY JUDGMENT

(a) **Supporting Memorandum.** The memorandum or brief in support of a motion for summary judgment must begin with a section containing a concise statement of material facts to which the movant contends no genuine issue exists. The facts must be numbered and must refer with particularity to those portions of the record on which the movant relies. The court will deem admitted for the purpose of summary judgment, all material facts contained in the statement of the movant unless the statement of the opposing party specifically controverts those facts.

(b) **Opposing Memorandum.**

(1) A memorandum in opposition to a motion for summary judgment must begin with a section containing a concise statement of material facts as to which the party contends a genuine issue exists. Each fact in dispute must be numbered by paragraph, refer with particularity to those portions of the record on which the opposing party relies, and, if applicable, state the number of movant's fact that is disputed.

(2) If the party opposing summary judgment relies on any facts not contained in movant's memorandum, that party must include each additional fact in a separately numbered paragraph, supported by references to the record, in the manner required by subsection (a). The court will deem admitted, for the purpose of summary judgment, all material facts included in this statement of the non-moving party unless the reply specifically controverts those facts.

(c) **Reply Memorandum.** In a reply brief, the moving party must respond to the non-moving party's statement of undisputed material facts in the manner prescribed in subsection (b)(1).

(d) **Presentation of Factual Material.** All facts on which a motion or opposition is based must be presented by affidavit, declaration under penalty of perjury, and/or through the use of relevant portions of pleadings, depositions, answers to interrogatories and responses to requests for admissions. Affidavits or declarations must be made on personal knowledge and by a person competent to testify to the facts stated that are admissible in evidence. Where facts referred to in an affidavit or declaration are contained in another document, such as a deposition, interrogatory answer, or admission, a copy of the relevant excerpt from the document must be attached.

(e) **Duty to Fairly Meet the Substance of the Matter Asserted.** If the responding party cannot truthfully admit or deny the factual matter asserted, the response must specifically explain in detail the reasons why. All responses must fairly meet the substance of the matter asserted.

(f) **Time for Filing of Responses and Replies.** A party has 21 days to file and serve a response to a motion for summary judgment. After service of the response, the moving party has 14 days to file and serve a reply memorandum in support of the motion.

(g) Limit on Responses and Replies. Parties may file no more than one response and one reply without prior court order.

(h) Oral Argument. Parties may request oral argument in the motion or any memorandum.

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As amended 3/17/10, 3/17/07, 10/17/05.