

~~(a) — **Moving Party’s Obligations.** The brief supporting a summary judgment motion or the brief’s appendix must include a section labeled “Statement of Material Facts” that identifies the facts that the moving party contends are not genuinely disputed.~~

~~(b) — **Opposing Party’s Obligations.**~~

~~(1) — **Required Filings.** A party opposing the motion must, within 28 days after the movant serves the motion, file and serve~~

~~(A) — a response brief; and~~

~~(B) — any materials that the party contends raise a genuine dispute.~~

~~(2) — **Content of Response Brief or Appendix.** The response brief or its appendix must include a section labeled “Statement of Genuine Disputes” that identifies the material facts that the party contends are genuinely disputed so as to make a trial necessary.~~

~~(c) — **Reply.** The movant may file a reply brief within 14 days after a response is served.~~

~~(d) — **Oral Argument.** The court will decide summary judgment motions without oral argument unless a request under L.R. 7-5 is granted or the court directs otherwise.~~

~~(e) — **Disputes About Admissibility of Evidence.** Any dispute regarding the admissibility of evidence should be addressed in a separate motion in accordance with L.R. 7-1.~~

~~(f) — **Notice Requirement for Pro Se Cases.** A party seeking summary judgment against an unrepresented party must serve that party with the notice contained in Appendix C.~~

(a) **Moving Party’s Obligations.** A party moving for summary judgment must separately file:

(1) a motion;

(2) a supporting brief;

(3) a Statement of Material Facts with numbered paragraphs for each material fact the moving party contends is undisputed which includes:

(A) a short statement of each fact; and

- (B) a citation to evidence supporting each fact; and
  - (4) the Notice in Appendix C, if an opposing party is unrepresented.
- (b) **Opposing Party's Obligations.** A party opposing the motion must, within twenty-eight days after the moving party served the motion, separately file:
- (1) a response brief; and
  - (2) a Response to Statement of Material Facts which includes:
    - (A) a verbatim restatement of the Statement of Material Facts;
    - (B) a correspondingly numbered response immediately following each paragraph of the Statement of Material Facts;
    - (C) a citation to evidence supporting each dispute of fact; and
    - (D) additional facts in a section titled Additional Material Facts with numbered paragraphs continuing the sequential numbering of the Statement of Material Facts for each additional material fact the opposing party contends is undisputed which includes:
      - (i) a short statement of each fact; and
      - (ii) a citation to evidence supporting each fact.
  - (3) In cases where any party is unrepresented, the opposing party is not required to restate verbatim the Statement of Material Facts.
- (c) **Reply.** The moving party may, within fourteen days after a response is served, separately file:
- (1) a reply brief; and
  - (2) a Reply to Statement of Additional Material Facts which includes:
    - (A) a verbatim restatement of the Statement of Additional Material Facts;
    - (B) a correspondingly numbered response immediately following each paragraph of the Statement of Additional Material Facts; and
    - (C) a citation to evidence supporting each dispute of additional fact.

- (3) In cases where any party is unrepresented, the moving party is not required to restate verbatim the Statement of Additional Material Facts.
- (d) **Additional Briefs.** Additional briefs must not be filed without leave of court.
- (e) **Citations to the Record.** The court may find a fact is not supported if the citation does not include a page or paragraph number to evidence in the record which can be presented in an admissible form unless the court may take judicial notice of the fact.
- (f) **Disputes About Evidence.** Disputes about the admissibility or materiality of evidence must be raised in the parties' briefs. A separate motion to strike must not be filed.
- (g) **Oral Argument.** The court will decide summary-judgment motions without oral argument unless a request under L.R. 7-5 is granted or the court directs otherwise.

Local Rules Advisory Committee Comments  
Re: 2022 Amendment

The amendment assists the court with identifying genuinely disputed facts by requiring facts to be presented in separately numbered paragraphs and for responses to be in correspondingly numbered paragraphs. Normally, a fact will either be admitted or denied with a citation to evidence supporting the dispute unless the fact can be judicially noticed. The Committee recognized that pursuant to Fed. R. Civ. Pro. 56(c)(1)(B), a party need not always point to specific record materials. *See also Celotex Corp. v. Catrett*, 477 U.S. 317, 323 (1986) (“[W]e find no express or implied requirement in Rule 56 that the moving party support its motion with affidavits or other similar materials negating the opponent’s claim.”). Thus, 56-1(a)(3)(b) only requires a moving party to provide a citation for each fact, not for allegations of the absence of a fact.

The amendment removes the provision that disputes about admissibility be addressed in a separate motion. Consistent with the 2010 amendment to Fed. R. Civ. P. 56(c)(2), disputes about inadmissibility and immateriality must be presented in a brief. *See Rule 56 Advisory Committee Notes 2010 Amendment.*

The amendment does not require a verbatim restatement in cases with an unrepresented party, but such cases still require responses with correspondingly numbered paragraphs.

The amendment clarifies there is no provision for briefing other than a supporting brief, a response brief, and a reply brief without leave of court.

The Committee considered whether the rule should provide for cases with cross-motions for summary judgment, but concluded they would be better addressed in individualized case-management plans.