

Summary Judgment Practice

Meet and Confer Requirement

With respect to any motions for summary judgment, the Court requires the moving party to advise the opposing party in a short letter (e.g., 2-3 pages) of the basis for the motion (including relevant legal authority). **Do not file the letter with the Court.** The Court requires the moving party and the opposing party to then meet and confer, during which time the opposing party should advise the moving party of factual matter or legal authority that it believes would defeat the motion. After this consultation, if the movant still wishes to file the motion, the movant should do so and the Court will rule on the motion. Any motion must state with specificity what the parties did to comply with the meet and confer requirement.

If the non-moving party is a pro se litigant, the moving party must provide the pro se litigant with the notice provided in Local Rule 56.2, adapted to reflect this Court's summary judgment procedures, at the time it provides the non-moving party with its letter outlining the basis for the summary judgment motion.

Motions for Summary Judgment

Motions for summary judgment and responses must comply with Local Rules 56.1(a)(1)-(2) and 56.1(b)(1)-(2), as well as the procedures outlined herein.

Parties are required to file a **joint statement of undisputed material facts** that the parties agree are not in dispute. The joint statement of undisputed material facts shall be filed separately from the memoranda of law. It shall include citations to admissible evidence supporting each undisputed fact (i.e. the line, paragraph, or page number where the supporting material may be found in the record). The supporting material must be attached to the joint statement. **The parties may not file – and the Court will not consider – separate statements of undisputed facts.** However, the non-moving party may include facts in its response to the motion for summary judgment that it contends are disputed in order to demonstrate that a genuine issue of material fact exists that warrants denying the motion for summary judgment. The non-moving party must include citations to supporting material supporting the dispute and attach the same. The moving party may respond to these facts in its reply.

The parties shall not file more than 120 statements of undisputed material facts without prior leave of the Court. In complex cases, the Court might request that the parties submit a timeline of events in addition to the joint statement of undisputed material facts.

If the parties cannot agree whether proposed statements of fact are not in dispute, they may file a joint motion prior to filing the motion for summary judgment so the Court can determine whether there is a basis for the alleged disputes. That motion should set forth the proposed statements of fact at issue, with supporting material. Each statement should be followed by a response by the other party explaining why that party contends that the statement is actually in dispute, with citation to supporting material. The supporting material should be attached as exhibits to the motion. The Court will then determine whether the proposed statements of fact may be included in the joint statement as undisputed facts. Parties should provide the Court with sufficient time to rule on factual disputes before summary judgment motions are due. Failure to stipulate to an undisputed fact without a reasonable basis for doing so may result in the statement being admitted and/or the imposition of sanctions. Perfunctory objections, such as “not material” or “irrelevant,” are not reasonable bases for failing to stipulate to an undisputed fact.

If the nonmoving party wholly refuses to join in the joint statement of undisputed material facts, the moving party will nevertheless be permitted to file the motion for summary judgment, accompanied by a separate declaration of counsel explaining why a joint statement of undisputed material facts was not filed.

The Local Rules and the Court's procedures are not mere technicalities. Failure to abide by any of them, especially the joint statement requirement, will result in the Court striking briefs, disregarding statements of fact, deeming statements of fact admitted, denying summary judgment, and/or imposing sanctions.

Summary Judgment Deposition Testimony Evidence

Parties submitting deposition testimony in support of or in opposition to summary judgment motions are to provide a cover sheet to the deposition stating the name of the witness, the date of the deposition, and the deponent's title

and/or role in, or relationship to, the pending litigation (e.g., "John Doe, plaintiff's human resources manager" or "Jane Doe, plaintiff's union representative"). Also, parties are to provide the Court with the entire transcript of the deposition testimony submitted in support of their respective positions, preferably in the condensed transcript format where multiple deposition transcript pages are reduced to one page.

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