

B-7056-1
Motions for Summary Judgment

(a) In addition to complying with the requirements of N.D. Ind. L.B.R. B-7007-1, all motions for summary judgment shall be accompanied by a “Statement of Material Facts” which shall either be filed separately or as part of the movant's initial brief. The “Statement of Material Facts” shall identify those facts as to which the moving party contends there is no genuine issue and shall be supported by appropriate citations to discovery responses, depositions, affidavits, and other admissible evidence. Any party opposing the motion shall, within thirty (30) days of the date the motion is served upon it, serve and file a “Statement of Genuine Issues” setting forth all material facts as to which it is contended there exists a genuine issue, supported with appropriate citations to discovery responses, affidavits, depositions or other admissible evidence, together with any affidavits or other documentary material controverting the movant's position. The “Statement of Genuine Issues” may either be filed separately or as part of the responsive brief. In determining the motion for summary judgment, the court will assume that the facts as claimed and supported by admissible evidence by the moving party are admitted to exist without controversy, except to the extent that such facts are controverted in the “Statement of Genuine Issues” filed in opposition to the motion, as supported by the depositions, discovery responses, affidavits and other admissible evidence on file.

(b) A party opposing a summary judgment motion may file a surreply brief only if the movant cites new evidence in the reply or objects to the admissibility of the evidence cited in the non-movant’s response to the motion. The surreply must be filed within 7 days after the movant serves the reply and must be limited to the new evidence and objections.

(c) If a party is proceeding pro se and an opposing party files a motion for summary judgment, counsel for the moving party shall also simultaneously serve all unrepresented parties using Local Bankruptcy Form (LBF) B-7056-1. The failure to do so may result in denial of the motion for summary judgment, without prejudice to resubmission.

HISTORICAL AND REGULATORY NOTES

Technical revision to Local Bankruptcy Rules B-7056-1 by Order dated October 1, 2023.

By Order Amending Local Bankruptcy Rules dated July 7, 2015, this rule was amended to add a new paragraph requiring the moving party to serve unrepresented parties and establishing a new form LBF B-7056-1.

By Order Amending Local Bankruptcy Rules dated December 18, 2012, this rule was amended to redesignate a paragraph and to add a new paragraph concerning reply briefs.

[INSERT APPROPRIATE CASE OR ADVERSARY PROCEEDING CAPTION]
NOTICE OF MOTION FOR SUMMARY JUDGMENT

A motion for summary judgment has been filed asking to have this matter decided against you, in whole or in part, without a trial. The motion claims there are no genuine issues of material fact and is based on the evidence presented in the affidavits and/or documents referenced in the motion or the argument that you are not able to offer admissible evidence in support of your position. The material facts set forth in the motion and accompanying affidavits/documents may be accepted as true unless you submit affidavits and/or other documentary evidence contradicting those assertions, along with a "statement of genuine issues" identifying the facts you dispute and any brief arguing your position.

Your response to the motion must be filed within thirty days from the date the motion was served¹ and comply with Rule 56 of the Federal Rules of Civil Procedure and local bankruptcy rule B-7056-1. Your response must include a "statement of genuine issues" identifying the facts you dispute and be accompanied by affidavits or other admissible evidence supporting your factual assertions. If you do not respond within the time required the court may rule against you. If you need more time to respond, you must file a motion asking the court for an extension of the deadline before it expires. The court may – but is not required to – give you more time.

Copies of Rule 56 of the Federal Rules of Civil Procedure and local bankruptcy rule B-7056-1 (N.D. Ind. L.B.R. B-7056-1) accompany this notice.

Date: _____

[signature]

Name:

Address:

Telephone:

¹ The date of service can be determined from the certificate of service accompanying the motion or by reviewing the docket at the clerk's office.