

**UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT**

NOTICE REGARDING LOCAL RULES

- (1) Proposed revisions to the following Local Rules have been posted on the USDC website:

Local Civil Rule 56 – Summary Judgment

The Rules can be reviewed in their entirety at: www.ctd.uscourts.gov

Comments are welcomed by the Court and should be directed to:

Robin D. Tabora, Clerk
141 Church Street, New Haven, CT 06510

or sent by email to:

commentstotheclerkofcourt@ctd.uscourts.gov

To be considered, comments must be received by April 14, 2017.

RULE 56

SUMMARY JUDGMENT

~~(Amended November 7, 2016)~~

(Amended April __, 2017)

(a) Motions for Summary Judgment

1. ~~There shall be annexed to a motion~~ A party moving for summary judgment shall file and serve with the motion and supporting memorandum a document entitled "Local Rule 56(a)1 Statement of Undisputed Material Facts," which sets forth ~~in~~ in separately numbered paragraphs meeting the requirements of Local Rule 56(a)3 ~~in~~ a concise statement of each material fact as to which the moving party contends there is no genuine issue to be tried. ~~All material facts set forth in said statement~~ The Local Rule 56(a)1 Statement should include only those facts that are material to the decision of the motion. The Local Rule 56(a)1 Statement shall be no longer than twelve (12) double-spaced pages, absent leave of the Court granted for good cause shown. Each material fact set forth in the Local Rule 56(a)1 Statement and supported by the evidence will be deemed admitted (solely for purposes of the motion) unless such fact is controverted by the statement Local Rule 56(a)2 Statement required to be filed and served by the opposing party in accordance with ~~Local Rule 56(a)2. this Local Rule, or the Court sustains an objection to the fact. The movant shall, if feasible, serve all other parties with a native electronic copy of the Local Rule 56(a)1 Statement.~~

2. (i) A party opposing a motion for summary judgment shall file and serve with the opposition papers a document entitled "Local Rule 56(a)2 Statement of Facts in Opposition to Summary Judgment," which shall include a reproduction of each numbered paragraph in the moving party's Local Rule 56 (a)1 Statement followed by a response to each paragraph admitting or denying the fact and/or objecting to the fact as permitted by Federal Rule of Civil Procedure 56(c). This portion of the Local Rule 56(a)2 Statement shall be double-spaced and shall be no longer than twice the length of the moving party's Local Rule 56(a)1) statement, absent leave of the Court granted for good cause shown. All admissions and denials shall be binding solely for purposes of the motion unless otherwise specified. All denials must meet the requirements of Local Rule 56(a)3. A party shall be deemed to have waived any argument in support of an objection that such party does not include in its memorandum of law.

(ii) The Local Rule 56(a)2 Statement must also include a separate section entitled "Additional Material Facts" setting forth in separately numbered paragraphs meeting the requirements of Local Rule 56(a)3 any additional facts, not previously set forth in responding to the movant's Local Rule 56(a)1 Statement, that the party opposing summary judgment contends establish genuine issues of material fact precluding judgment in favor of the moving party. The statement of Additional Material Facts shall be no longer than nine (9) double-spaced pages, absent leave of the Court granted for good cause shown.

~~2. The papers opposing a motion for summary judgment shall include a document entitled "Local Rule 56(a)2 Statement," which states in separately numbered paragraphs meeting the requirements of Local Rule 56(a)3 and corresponding to the paragraphs contained in the moving~~

~~party's Local Rule 56(a)1 Statement whether each of the facts asserted by the moving party is admitted or denied. The Local Rule 56(a)2 Statement must also include in a separate section entitled "Disputed Issues of Material Fact" a list of each issue of material fact as to which it is contended there is a genuine issue to be tried.~~

3. Each statement of material fact by a movant in a Local Rule 56(a)1 Statement or by an opponent in a Local Rule 56(a)2 Statement, and each denial in an opponent's Local Rule 56(a)2 Statement, must be followed by a specific citation to (1) the affidavit of a witness competent to testify as to the facts at trial ~~and/~~ or (2) other evidence that would be admissible at trial. The affidavits, deposition testimony, responses to discovery requests, or other documents containing such evidence shall be filed and served with the Local Rule 56(a)1 and (a)2 Statements in conformity with Fed.R.Civ.Fed. R. Civ. P. 56(e). The "specific citation" obligation of this Local Rule requires ~~counsel and pro se~~ parties to cite to specific paragraphs when citing to affidavits or responses to discovery requests and to cite to specific pages when citing to deposition or other transcripts or to documents longer than a single page in length. ~~Counsel and pro se parties are hereby notified that failure~~ Failure to provide specific citations to evidence in the record as required by this Local Rule may result in the Court deeming admitted certain facts that are supported by the evidence ~~admitted~~ in accordance with Local Rule 56(a)1 , or in the Court imposing sanctions, including, when the movant fails to comply, an order denying the motion for summary judgment, and , when the opponent fails to comply, an order granting the motion if the undisputed facts-motion and supporting materials show that the movant is entitled to judgment as a matter of law.

~~4. The Local Rule 56(a)1 and 2 Statements referred to above shall be filed and served along with the motion, memorandum of law and certificate of service required by Local Rule 5(c) and the Federal Rule of Civil Procedure 56.~~

4. Motions to strike (a) statements made in a Rule 56(a) statement or (b) the supporting evidence are prohibited. Collateral motions, such as motions to strike, are disfavored.

(b) Notice to Pro Se Self-Represented Litigants Regarding Summary Judgment.

Any represented party moving for summary judgment against a self-represented party ~~proceeding pro se shall must~~ file and serve, as a separate document, in the form set forth below, a "Notice to Pro Se Self-Represented Litigant Opposing Concerning Motion for Summary Judgment." ~~If the pro se party is not a plaintiff, or if the case is to be tried to the Court rather than to a jury, the movant will modify the notice accordingly.~~ The movant shall attach to the notice copies of the full text of Rule 56 of the Federal Rules of Civil Procedure and of this Local Civil Rule 56.

Notice to Pro Se Self-Represented Litigant Opposing Concerning Motion For Summary Judgment As Required by Local Rule of Civil Procedure 56(b)

The purpose of this notice, which is required by the Court, is to notify you that ~~the defendant has filed~~ a motion for summary judgment has been filed asking the Court to dismiss-resolve all or some of ~~your-the~~ claims in the case without a trial. The ~~defendant-movant~~ argues that there is no

need for a trial ~~with regard to~~ to resolve these claims because no reasonable ~~jury~~ factfinder could return a verdict in your favor.

THE ~~DEFENDANT'S~~ MOTION MAY BE GRANTED AND YOUR CLAIMS MAY BE DISMISSED WITHOUT FURTHER NOTICE IF YOU DO NOT FILE PAPERS AS REQUIRED BY RULE 56 OF THE FEDERAL RULES OF CIVIL PROCEDURE AND RULE 56 OF THE LOCAL RULES OF CIVIL PROCEDURE ~~AND IF THE~~ ~~DEFENDANT'S~~ MOTION SHOWS THAT THE ~~DEFENDANT~~ MOVANT IS ENTITLED TO JUDGMENT AS A MATTER OF LAW. COPIES OF THESE RULES ARE ATTACHED TO THIS NOTICE, AND YOU SHOULD REVIEW THEM VERY CAREFULLY.

The papers you file must show that (1) you disagree with the ~~defendant's~~ movant's version of the facts; (2) you have admissible evidence contradicting the ~~defendant's~~ movant's version; and (3) the evidence you rely on, if believed ~~by a jury~~, would be sufficient to support a verdict judgment in your favor.

To make this showing, you must file evidence, such as one or more affidavits disputing the ~~defendant's~~ movant's version of the facts. An affidavit is a sworn statement by a witness that the facts contained in the affidavit are true to the best of the witness's knowledge and belief. To be considered by the Court, an affidavit must be signed and sworn to in the presence of a notary public or other person authorized to administer oaths. In addition to affidavits, you may also file deposition transcripts, responses to discovery requests, and other evidence that supports your claims. Please be aware that ~~the~~ Local Civil Rule 56 requires ~~counsel and pro se~~ parties to cite to specific paragraphs when citing to affidavits or responses to discovery requests ~~and to cite to specific pages when citing to deposition or other transcripts or to documents longer than a single page in length~~. If you fail to comply with these instructions and to submit evidence contradicting the ~~defendant's~~ movant's version of the facts, ~~your claims~~ judgment may be ~~dismissed~~ entered against you if the ~~defendant's~~ motion shows that the ~~defendant~~ movant is entitled to judgment as a matter of law.

It is therefore very important that you read the ~~defendant's~~ motion, memorandum of law, statement of undisputed material facts, affidavits, and other evidentiary materials to see if you agree or disagree with the ~~defendant's~~ moving party's version of the relevant facts. It is also very important that you review the enclosed copy of Rule 56 of the Local Rules of Civil Procedure carefully. This rule provides detailed instructions concerning the papers you must file in opposition to the ~~defendant's~~ motion, including how you must respond to specific facts the ~~defendant~~ movant claims are undisputed (see Local Rule 56(a)(2)) and how you must support your claims with specific references to evidence (see Local Rule 56(a)(3)). If you fail to follow these instructions, the ~~defendant's~~ motion may be granted if the ~~defendant's~~ motion shows that the ~~defendant~~ movant is entitled to judgment as a matter of law.

You must file your opposition papers ~~with the Clerk of the Court and mail a copy to the~~ ~~defendant's~~ counsel within 21 days of the filing of date the ~~defendant's~~ motion ~~with the Clerk of the Court~~ was filed. This 21-day period is extended an additional three days if any of the conditions of Rule 6(e) of the Federal Rules of Civil Procedure are met (for example, if you received the ~~defendant's~~ motion only by mail ~~or overnight delivery service~~). If you need more than 21 days to respond to the motion, you should promptly file a motion for extension of time (see Local Rule 7(b)).

If you do not file your opposition papers electronically, you must also mail a copy to opposing counsel and any other self-represented parties.

If you are confined in a Connecticut correctional facility, you must file your opposition papers using the Prisoner Efiling Program and are not required to mail copies to ~~the defendant's opposing~~ counsel.