

7.00 | MOTION FOR SUMMARY JUDGMENT (RULE 56)

A motion for summary judgment asks the Court to decide a lawsuit without going to trial because there are no disputes about the key facts of the case. When the parties agree on the facts, or if one party does not have enough evidence to support his or her case, the Court can decide the issues based on the papers that are filed by the parties. When the plaintiff files a motion for summary judgment, the goal is to show that the undisputed facts prove that the defendant violated the law. When defendants file a motion for summary judgment, the goal is to show that the undisputed facts prove that they did not violate the law. The overwhelming majority of summary judgment motions are filed by defendants.

Sometimes, a motion for summary judgment can address the whole lawsuit or individual claims. If the summary judgment motion addresses the whole lawsuit and the Court grants summary judgment, the lawsuit is over. If the Court denies a motion for summary judgment, it means that there is a dispute of material fact, and the case will go to trial unless the parties settle.

A motion for summary judgment must include a statement of undisputed facts. Each fact must be supported by admissible evidence, such as deposition testimony, affidavits, or relevant documents. If you need specific discovery in order to provide more evidence to the Court showing why summary judgment should not be granted, you can file, on or before the deadline for opposing the motion, a request under Rule 56(d) of the Federal Rules of Civil Procedure for additional time to conduct discovery. Your request must be accompanied by an affidavit or declaration clearly setting out (1) the reasons why you do not already have the evidence you need to defeat summary judgment and (2) exactly what additional discovery you need and how it relates to the pending motion for summary judgment.

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Honorable Mention: USNYND, USCAND)

