

# Rule 56 – Summary Judgment

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## OKLAHOMA NORTHERN DISTRICT COURT – REDLINE VERSION

### LCvR56-1 Summary Judgment Procedure.

- a) **Number of Motions.** Absent leave of Court, each party may file only one motion under Fed. R. Civ. P. 56.
- b) **Brief in support.** The brief in support of a motion for summary judgment (or partial summary judgment) shall begin with a section ~~that contains a concise statement of stating the~~ material facts to which the moving party contends no genuine issue of fact exists. The facts shall be ~~numbered and shall refer with particularity to those portions of the record upon which movant relies.~~ set forth in concise, numbered paragraphs.
- c) **Response brief.** The response brief in opposition to a motion for summary judgment (or partial summary judgment) shall begin with a section ~~which contains a concise statement of material facts to which the party asserts genuine issues of fact exist. responding, by correspondingly numbered paragraph,~~ to the facts that the movant contends are not in dispute and shall state any fact that is disputed. ~~Each fact in dispute shall be numbered, shall refer with particularity to those portions of the record upon which the opposing party relies and, if applicable, shall state the number of the movant's facts that is disputed.~~ All material facts set forth in the statement of the material facts of the movant shall be deemed admitted for the purpose of summary judgment unless specifically controverted by the statement of material facts of the opposing party using the procedures set forth in this rule. Separately, the brief in opposition may, in concise, numbered paragraphs, state any additional facts the nonmovant contends preclude judgment as a matter of law.
- d) **Reply Brief.** In a reply brief, the moving party must respond to the nonmovant's statement of additional material facts in the manner prescribed in this rule.
- e) Each individual statement by the movant or nonmovant pursuant to subparagraphs (b), (c), or (d) of this rule shall be followed by citation, with particularity, to any evidentiary material that the party presents in support of its position pursuant to Fed. R. Civ. P. 56(c). This citation shall include reference to the pages (including paragraphs or lines, where applicable) of the evidentiary materials that are pertinent to the motion.

CHANGES TO (b) AND (c) TO CLARIFY LANGUAGE AND ADDED A NEW (d) AND (e) BASED ON DISTRICT OF KANSAS, WESTERN DISTRICT OF OKLAHOMA AND OKLAHOMA DISTRICT COURT RULES.