

Local Civil Rule 56  
SUMMARY JUDGMENT

(c) Motion and Proceedings.

(1) Briefs. Briefs, or statements of points and authorities, shall be mandatory with respect to all motions for summary judgment. The original is to be filed with the Superior Court Clerk. Bench copies shall be submitted in accordance with LCR 5 (which is no later than the time and date for confirming the motion under LCR 56(c) (2) (B)), below.

If a party fails to submit electronic bench copies as directed in LCR 5, the Court shall issue an order to show cause addressing a non-compliance hearing to be held before the Judge, Commissioner or Special Master. At that hearing the Court may continue the hearing, impose terms or sanctions, or take other action to enforce the court rules regarding submission of electronic bench copies prior to hearings. Attendance at the non-compliance hearing is mandatory for every party that failed to comply with the requirements under LCR 5.

(2) Continuance and Confirmation. In the event a motion for summary judgment or partial summary judgment is noted, and the non-moving party believes that a continuance is warranted, the non-moving party shall file a motion for a continuance, supporting the same with sworn pleadings. Said motion shall be heard at least one week before the scheduled date of the summary judgment hearing.

(A) In the event the moving party unreasonably refuses to continue the case or the opposing party unreasonably is not prepared for the hearing, terms may be assessed.

(B) The moving party shall confirm with the clerk that the motion will be heard on the date set during the time periods set forth in LCR 7(b). However, the clerk shall not allow more than three (3) summary judgment hearings and three (3) over-ten-minute hearings to be confirmed for any one date. The maximum for such motions may be changed by resolution of the judges. A moving party contacting the clerk to confirm a summary judgment for a date for which the maximum number of summary judgments and over-ten-minute hearings have previously been confirmed may continue the hearing to the next reasonably available setting and provide notice of the continuance to the other parties in the action and shall re-confirm the continued setting in accordance with the above rules. Twenty-eight (28) days notice is not required for setting a new hearing hereunder. The new hearing date may be after the last date specified for filing dispositive motions in the Civil Case Schedule Order, but in no event less than fourteen (14) days before trial.

(3) Motion - Contents of. The moving party shall specify with particularity the documentary evidence, including depositions, on which the motion is based.

(4) Continuance After Confirmation. Once confirmed, no summary judgment hearing shall be continued without permission of the presiding Judge, and the moving party must appear at the docket.

[Adopted Effective April 1, 1986; Amended Effective September 1, 1998; September 1, 2003; September 1, 2006; September 1, 2009; September 1, 2011; September 1, 2013; September 2, 2014; September 1, 2017.]

---