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 and one additional copy, clearly marked with the date and time of the hearing and "BENCH COPY," of all briefs, or statements of points and authorities shall be timely filed with the court administrator. All bench copies will be destroyed four (4) weeks after the original date noted for hearing unless counsel requests copies be returned.

(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 at any time after the motion has been filed, but no later than by 12:00 noon, on the Tuesday prior to the hearing in Benton County and by 12:00 noon on the Thursday prior to the hearing in Franklin County, confirm with the clerk that the motion will be heard on the date set. However, the clerk shall not allow more than three (3) summary judgment hearings to be confirmed for any one date. A moving party contacting the clerk to confirm a summary judgment for a date for which three summary judgments 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) Confirmation. Once confirmed, no summary judgment hearing shall be continued without permission of the presiding Judge.

[Adopted Effective April 1, 1986; Amended Effective September 1, 1998; September 1, 2003, September 1, 2006, September 1, 2009, September 1, 2011]