

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

Plaintiff,

v.

Defendant.

CIVIL ACTION NO.

ORDER MODIFYING LOCAL RULES REGARDING SUMMARY JUDGMENT

The Court has entered a scheduling order in this case. In anticipation of the filing of summary judgment motion(s), the Court issues the following guidelines. In addition, the parties are advised that they are required to follow the case instructions or Standing Order of the District Judge, if the District Judge has specific instructions posted on the Court's website.

Under Local Rule 56.1(B)(1), a party moving for summary judgment must include a statement of material facts as to which the movant contends there is no genuine issue to be tried. The Rule further requires the non-movant to include a response to the movant's statement of material facts and a statement of additional facts which the non-movant contends are material and which present a genuine issue for trial. LR 56.1(B)(2), NDGa. And if the non-movant provides a statement of additional facts, then the movant is required to file a response. LR 56.1(B)(3),

NDGa. When preparing any of these statements or responses, the parties are **ORDERED** to abide by the Local Rules and these guidelines:

1. *The Movant's Statement of Material Facts*

Each fact must be separately numbered, and there may be only one sentence per number. Each fact must be followed by a citation to the record that supports the fact. The Court will not consider more than 50 numbered facts. The movant may present more than 50 numbered facts only by first seeking and receiving leave of the Court to do so.

2. *The Non-Movant's Response to the Statement of Material Facts*

The non-movant's response to the movant's statement of material facts must follow the numbering scheme set forth in the movant's statement. The non-movant shall restate the movant's fact and then indicate whether the fact is admitted or disputed. If the non-movant disputes or partially disputes the fact, then the non-movant must offer a brief factual explanation, not to exceed one paragraph, supported by a citation to the record.

If the non-moving party has an evidentiary objection to the fact, the party may briefly note the objection. However, the party may not litigate the objection in the response to the statement of material facts. To the extent the party wishes to

offer a legal argument to support the objection, the party may do so in a separately filed Notice of Objection or within the brief.

Responses in the form of issues, questions, or legal conclusions (rather than facts) will not be considered.

3. *The Non-Movant's Statement of Additional Facts that are Material and Present a Genuine Issue for Trial*

The non-movant's statement of additional facts shall conform to the guidelines set forth above in paragraph 1.

4. *The Movant's Response to the Statement of Additional Facts*

The movant's response to the non-movant's statement of additional facts must follow the numbering scheme set forth in the non-movant's statement. The movant shall restate the fact and then offer a response as permitted by the Local Rules:

- An objection to the admissibility of the evidence upon which the non-movant relies;
- An objection that the evidence does not support the fact, with a brief explanation and citation to the record if necessary;
- An objection that the fact is not material or does not otherwise comply with Local Rule 56.1(B)(1); and

- A concession that the Court can properly consider the evidence for purposes of the summary judgment motion.

As noted above, the movant may briefly note an evidentiary objection. However, the party may not litigate the objection in the response to the statement of additional facts. To the extent the party wishes to offer a legal argument to support the evidentiary objection, the party may do so in a separately filed Notice of Objection or within the brief.

5. *Deposition Transcripts*

Any party that relies on deposition testimony shall file a complete copy of the deposition transcript. This allows the Court to understand the full context of the witness's testimony surrounding the specific citation offered by the party.