U.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FILED
SEP 8 2010
CLERK, U.S. DISTRICT COURT
By Deputy

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS

Special Order No. 2-76

1. The District Judges of this Court have considered and adopted the attached amendments to local civil rules LR 56.3, 56.4, 56.5, and 56.6.

2. Unless modified after receipt of public comment, these rules take effect on December 1, 2010 and apply to all proceedings in civil actions thereafter commenced and, insofar as just and practicable, all proceedings in civil actions then pending.

3. Any person who desires to comment on any of these rules may do so by submitting written comments to:

   Clerk of Court
   United States District Court for the Northern District of Texas
   Attention: 2010 Summary Judgment Rules Amendments
   1100 Commerce Street, Room 1452
   Dallas, Texas 75242-1495

   The deadline by which the Clerk must receive comments is November 1, 2010.

4. The Clerk of Court is directed to make the necessary distribution.

SO ORDERED.

September 8, 2010.

FOR THE COURT:

Sidney A. Fitzwater

SIDNEY A. FITZWATER
CHIEF JUDGE

2010 PROPOSED
SUMMARY JUDGMENT
LOCAL CIVIL RULES AMENDMENTS

New material in an existing rule is redlined, and deleted material is ~~stricken out~~.

LR 56.3 Content of Motion.

(a) Except as provided in subsection (b) of this rule, a motion for summary judgment must, in addition to the contents required by Fed. R. Civ. P. 56(a),

(1) on the first page, under the heading "summary," ~~contain a concise statement that identifies~~ state concisely the elements of each claim or defense as to which summary judgment is sought, and

~~(2) contain the legal and/or factual grounds on which the moving party relies, and~~

(~~3~~2) if the motion is accompanied by an appendix and it is necessary to cite support for an assertion about the absence or presence of a genuine dispute of fact, ~~include citations to each page of the appendix that supports each assertion that the party makes concerning the summary judgment evidence~~ comply with LR 56.5(c).

(b) A moving party may satisfy the requirements of subsection (a) of this rule by stating in its motion that each of the required matters will be set forth in the party's brief.

(c) If a moving party seeks summary judgment on fewer than all claims or defenses, the motion must be styled as a motion for partial summary judgment.

(d) A motion for summary judgment must not contain argument and authorities.

LR 56.4 Content of Response.

(a) Except as provided in subsection (b) of this rule, a response to a motion for summary judgment must ~~contain the legal and/or factual grounds on which the responding party relies in opposition to the motion.~~

(1) state in reasonably concise terms why the responding party opposes the motion, and

(2) if the response is accompanied by an appendix and it is necessary to cite support for an assertion about the absence or presence of a genuine dispute of fact, comply with LR 56.5(c).

(b) A responding party may satisfy the requirements of subsection (a) of this rule by stating in its response that each of the required matters will be set forth in the party's brief.

(c) A response to a motion for summary judgment must not contain argument and authorities.

LR 56.5 Requirement of Brief; Briefing Requirements.

(a) Brief Required. A summary judgment motion and a response must be accompanied by a brief that sets forth the argument and authorities on which the party relies in support of or opposition to a motion, and must contain the matters required by LR 56.3(a) or LR 56.4(a) if the party has opted to comply with those rules by including the required matters in its brief. Notwithstanding LR 5.1(c), the brief must be filed as a separate document from the motion or response that it supports.

(b) Length of Briefs. The requirements of LR 7.2 apply to briefs filed pursuant to LR 56.5(a), except that, excluding the table of contents and table of authorities, the length of a principal brief must not exceed 50 pages and a reply brief must not exceed 25 pages. The presiding judge, by order or other appropriate notice issued in a civil action, may restrict the length of briefs to fewer pages than are permitted by this rule.

(c) Citations to Appendix. ~~A party whose motion or response is accompanied by an appendix must include in its brief citations to each page of the appendix that supports each assertion that the party makes concerning the summary judgment evidence.~~ When citing materials in the record, as required by Fed. R. Civ. P. 56(c)(1)(A) or (B), a party must support each assertion by citing each relevant page of its own or the opposing party's appendix.

LR 56.6 Requirement of Appendix; Appendix Requirements.

(a) Appendix Required. A party who relies on ~~affidavits, depositions, answers to interrogatories, or admissions on file~~ materials in the record—including depositions, documents, electronically stored information, affidavits, declarations, stipulations, admissions, interrogatory answers, or other materials—to support or oppose a motion for summary judgment must include ~~such evidence~~ the materials in an appendix.

(b) Appendix Requirements.

(1) The appendix must be assembled as a self-contained document, separate from the motion and brief or response and brief.

(2) Each page of the appendix must measure 8½ x 11 inches. Non-documentary ~~exhibits~~ materials (*e.g.*, videotapes and other physical ~~exhibits~~ materials) and oversized ~~exhibits~~ materials (*e.g.*, maps and schematic drawings) that are included in the appendix must be placed in an envelope that measures 9 x 12 inches.

(3) Each page of the appendix must be numbered legibly in the lower, right-hand corner. The first page must be numbered as "1," and succeeding pages must be numbered sequentially through the last page of the entire appendix (*i.e.*, the numbering system must not re-start with each succeeding document in the appendix). An envelope that contains ~~a~~ non-documentary or oversized ~~exhibit~~ materials must be numbered as if it were a single page.