

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

NOTICE TO THE BAR

PROPOSED AMENDMENTS TO
THE LOCAL CIVIL RULES

Notice is hereby given to the Bar and all interested parties that the United States District Court for the District of New Jersey proposes to make the following amendments to Local Civil Rule 56.1

The proposed new text of the Rule 56.1 and Comment follows:

Civ. Rule 56.1 SUMMARY JUDGMENT MOTIONS

(a) Statement of Material Facts Not in Dispute

On motions for summary judgment, the movant shall furnish a statement which sets forth material facts as to which there does not exist a genuine issue, in separately numbered paragraphs citing to the affidavits and other documents submitted in support of the motion. A motion for summary judgment unaccompanied by a statement of material facts not in dispute shall be dismissed. The opponent of summary judgment shall furnish, with its opposition papers, a responsive statement of material facts, addressing each paragraph of the movant's statement, indicating agreement or disagreement and, if not agreed, stating each material fact in dispute and citing to the affidavits and other documents submitted in connection with the motion; any material fact not disputed shall be deemed undisputed for purposes of the summary judgment motion. In addition, the opponent may also furnish a supplemental statement of disputed material facts, in separately numbered paragraphs citing to the affidavits and other documents submitted in connection with the motion, if necessary to substantiate the factual basis for opposition. The movant shall respond to any such supplemental statement of disputed material facts as above, with its reply papers.

(b) Social Security Matters

In review of Social Security matters, briefs and administrative record submissions shall be governed by L. Civ. R. 9.1.

Comment:

L. Civ. R. 56.1(a) clarifies the explicit procedure for identifying whether material facts are, or are not, in dispute in a summary judgment motion. The parties' respective statements of material facts shall state concisely in a separate document (not the brief) the pertinent facts necessary to the motion and shall not contain legal argument or conclusions of law.

The Court prefers, but does not require, that the movant incorporate the movant's

statement, the opponent's statement, and the movant's reply into a single combined document, on a paragraph-by-paragraph basis, to be submitted at the time of movant's reply brief. Similarly, the movant should also incorporate the opponent's supplemental statement of disputed material facts, if any, and the movant's response thereto, into a single document, on a paragraph-by-paragraph basis. The ultimate purpose is to have before the Court the parties' statements of material facts within one document (or, where an opposing party submits a supplemental statement, two documents) for the Court's use in summary judgment adjudication.

L. Civ. R. 56.1(a) also applies to cross-motions for summary judgment. If cross-motions are contemplated, counsel shall first confer upon a format for Rule 56.1(a) statements that avoids unnecessary duplication while satisfying these requirements.

Comments regarding this proposal are to be submitted within 30 days of publication to:

William T. Walsh, Clerk
United States District Court
Martin Luther King, Jr. Federal Building
and Courthouse
P.O. Box 419
Newark, NJ 07101

FOR THE COURT
Garrett E. Brown, Jr.
Chief Judge