

CCP Article 966 Motion for Summary Judgment Checklist

Notes:

- Summary judgment may be rendered only as to the issues set forth in the Motion, and only admitted evidence may be considered by the court.
- MSJ can be filed by Plaintiff after Defendant has answered, and by Defendant at any time.
- Court shall render judgment within a reasonable time, and at least 10 days before trial.

Before the Hearing

___ Motion has attached Order and states 1) whether or not the case is set for trial and, if so, the trial date; and (2) that no testimony will be offered at the hearing. (District Court Rule 9.8).

___ Motion specifies the particular issue, theory of recovery, cause of action, or defense for which summary judgment is requested.

___ Supporting Memo contains (District Court Rule 9.10):

- ___ List of essential legal elements necessary for the mover to win;
- ___ List of material facts the mover contends are not genuinely disputed; and
- ___ Reference to the document proving each undisputed fact, with the pertinent part designated.

___ Supporting documents (affidavits, pleadings, depositions, answers to interrogatories, admissions) are cited in and attached to the Motion.

___ Motion, Supporting Memo, and Attachments are furnished to trial judge and served (by sheriff) on all parties at least 15 calendar days before the hearing. (District Court Rule 9.9).

___ Opposing Memo contains (District Court Rule 9.10):

- ___ List of material facts the opponent contends are genuinely disputed; and
- ___ Reference to the document proving each undisputed fact, with the pertinent part designated.

___ Attachments to the Motion and Attachments to the filed Opposing Memo will be deemed admitted for purposes of the MSJ, unless excluded in response to an objection:

- ___ Raise objection in the opposing/reply memo; or
- ___ Raise objection in a written motion to strike.

___ Opposing Memo and Attachments are furnished to trial judge and served (by mail, delivery, or electronic means) on all parties at least 8 calendar days before the hearing. (District Court Rule 9.9).

___ Reply Memo is furnished to trial judge and served (by mail, delivery, or electronic means) on all parties by 4:00 p.m. on the day that is two week days before the hearing. (District Court Rule 9.9).

At the Hearing

___ Mover: formally introduce any evidence that is filed in the suit record but not attached to the Motion.

___ Opponent: either file the Opposing Memo and Attachments before the hearing, or formally introduce the Attachments into evidence at the hearing.

After the Hearing

___ If motion is denied and no oral or written reasons provided, request written reasons within 10 days of the denial.