

NOTICE TO PRO SE LITIGANT REGARDING RULE 56 MOTIONS FOR SUMMARY JUDGMENT

This Notice is to advise you that a party in your lawsuit has filed a motion for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure, which means that summary judgment will be granted if the Court finds that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. Fed. R. Civ. P. 56(c). More information on motions for summary judgment can be found in *Representing Yourself in Federal District Court: A Handbook for Pro Se Litigants*, available at <https://www.nywd.uscourts.gov/self-help-manual-pro-se-litigation-guidelines>.

Failure to respond to this motion for summary judgment may result in the grant of judgment in favor of the party seeking summary judgment and the dismissal of all or part of the case. You may NOT oppose summary judgment simply by relying on allegations or documents previously filed in this case.

Opposing Affidavits and Exhibits

If the motion seeks summary judgment against you, you **MUST** submit opposing papers in the form of one or more affidavits (or affirmations) made upon the personal knowledge of the person signing each affidavit. Each affidavit must set forth admissible facts and must show that the person submitting that affidavit is competent to testify as to the matters stated therein (because he or she has personal knowledge of the facts set forth in the affidavit). If you wish to submit exhibits in opposition to the motion, you may attach to the affidavit (or submit separately) sworn or certified copies or all papers or parts thereof which are referred to in an affidavit.

Statement of Material Facts Requiring a Trial

You **MUST** submit a response to each numbered paragraph in the moving party's statement, in correspondingly numbered paragraphs. You may also submit a short and concise statement of any additional material facts as to which you contend there exists a genuine issue for trial, if necessary. Each statement in your response or statement of additional material facts must be followed by citation to admissible evidence or to evidence that can be presented in admissible form at trial. *See* Rule 56 of the Local Rules of Civil Procedure (available on the Western District web site at www.nywd.uscourts.gov). **Note** that all of the material facts that have been set forth in the statement served on you by the moving party may be deemed to have been admitted by you unless specifically controverted by a correspondingly numbered paragraph in your opposing statement of material facts.

Memorandum of Law

You **MUST** also submit a separate answering memorandum of law, Loc. R. Civ. P. 7(a)(2)(A), which may not exceed 25 pages in length without prior approval of the Court, Loc. R. Civ. P. 7(a)(2)(C). Failure to comply with this requirement may result in the motion being decided against the non-complying party.

Right to Seek Discovery

You have the right to seek discovery and to submit evidence relevant to the issues raised by the motion. If you are unable to present facts essential to justify your opposition to the motion, you may submit an affidavit or declaration demonstrating, for specified reasons, your inability to the Court and asking the Court to allow you time to obtain affidavits or declarations or to take discovery. *See* Fed. R. Civ. P. 56(d).