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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

,)	Case No. CV DSF
)	
Plaintiff,)	
)	ORDER RE MOTIONS FOR
v.)	SUMMARY JUDGMENT
)	
,)	
)	
Defendant.)	
)	
_____)	

When filing or opposing a motion for summary judgment, a party is to comply precisely with Local Rule 56, the Court’s general Standing Order, and this order. Because summary judgment motions are fact-dependent, parties should prepare papers in a fashion that will assist the Court (*e.g.*, generous use of tabs, tables of contents, headings, indices, etc.). As a courtesy to both the Court and the opposing party, a moving party should not wait until the last possible day to file motions for summary judgment or partial summary judgment. The Court expects

1 that the parties will agree to an increased filing schedule for motions for summary
2 judgment.

3 **Multiple motions for summary adjudication by the same party are**
4 **highly disfavored.** Any party wishing to file more than one motion for summary
5 adjudication must move for leave of court and explain why the issues cannot be
6 addressed in a single motion. If multiple motions for summary adjudication are
7 filed by the same party without leave of court, the first filed motion will be
8 considered and the subsequent motions stricken.

9 While an early motion for summary judgment can be sensible under certain
10 circumstances, clearly premature motions – *e.g.*, motions claiming that the
11 opposing party has insufficient evidence when discovery does not close for
12 another six months – only waste time and money for the parties and the Court.

13 Separate Statement of Uncontroverted Facts and Conclusions of Law: The
14 separate statement shall be prepared in a two-column format. The left-hand
15 column sets forth -- in sequentially-numbered paragraphs -- the allegedly
16 undisputed fact. The right-hand column sets forth the evidence that supports that
17 fact. Each paragraph should contain a narrowly-focused statement of fact
18 addressing a single subject as concisely as possible. **The moving, opposing, and**
19 **reply papers should refer to the numbered paragraphs in the separate**
20 **statement, rather than the underlying evidence.**

21 Statement of Genuine Disputes: The opposing party's statement of genuine
22 disputes must be in two columns. The left-hand column must restate the opposing
23 party's allegedly undisputed fact and track the moving party's separate statement
24 exactly as filed. The right-hand column must state whether the fact is undisputed
25 or disputed. The opposing party may dispute all or only a portion of the statement
26 of fact. If disputing only a portion, the statement of genuine disputes must clearly
27 indicate what part is being disputed, followed by the opposing party's evidence
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1 controverting the fact. The opposing party should not avoid admitting an
2 undisputed fact by avoiding the issue. Only good faith disputes should be
3 included. The Court will not wade through a document to determine whether a
4 fact really is in dispute. To demonstrate that a fact is disputed, the opposing party
5 must briefly state why it disputes the moving party's asserted fact, cite to the
6 relevant exhibit or other evidence, and describe what in that exhibit or evidence
7 refutes the asserted fact. No legal argument should be set forth in this document.
8 The opposing papers should refer to the numbered paragraphs in the separate
9 statement, rather than the underlying evidence.

10 The opposing party may also submit additional material facts that bear on or
11 relate to the issues raised by the movant, which shall follow the format described
12 above for the moving party's separate statement. These additional facts shall
13 continue in sequentially-numbered paragraphs and shall set forth in the right-hand
14 column the evidence that supports that statement.

15 Supporting Evidence: No party should submit evidence other than the
16 specific items of evidence or testimony necessary to support or controvert a
17 proposed statement of undisputed fact. For example, entire deposition transcripts,
18 entire sets of interrogatory responses, and documents that do not specifically
19 support or controvert material in the separate statements should not be submitted
20 in support of or opposition to a motion for summary judgment. The Court will not
21 consider such material. When submitting portions of deposition transcripts and
22 other lengthy documents, however, the parties should be sure to provide all pages
23 necessary to put the cited portion in context.

24 Evidence submitted in support of or in opposition to a motion should be
25 submitted either by way of stipulation or as exhibits to declarations sufficient to
26 authenticate the proffered evidence, and should not be attached to the
27 memorandum of points and authorities. Documentary evidence as to which there
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1 is no stipulation regarding foundation must be accompanied by the testimony,
2 either by declaration or properly authenticated deposition transcript, of a witness
3 who can establish authenticity. The pleadings should refer to the exhibits by
4 exhibit number only, or by exhibit number and title of document -- not merely by
5 the title of the document. For example, if Exhibit 1 is the License Agreement, the
6 papers should refer to “the License Agreement attached as Exhibit 1,” or “Exhibit
7 1,” not “the License Agreement.”

8 Objections to Evidence: If a party disputes a fact based in whole or in part
9 on an evidentiary objection, the ground of the objection, as indicated above,
10 should be stated in the separate statement, but not argued in that document.
11 Evidentiary objections are to be addressed in a separate memorandum to be filed
12 with the opposition or reply brief. This memorandum should be organized to
13 track the paragraph numbers of the separate statement and statement of genuine
14 disputes in numerical sequence. It should identify the specific item of evidence to
15 which objection is made, and a brief argument with citation to authority as to why
16 the objection is well-taken. The following is the suggested format:

17 Separate Statement Paragraph 1: Objection to the supporting
18 deposition transcript of Jane Doe at 1:1-10 on the grounds that
19 the statement constitutes inadmissible hearsay for which no
20 exception applies. To the extent it is offered to prove her state
21 of mind, it is irrelevant because her state of mind is not in
22 issue. Fed. R. Evid. 801, 802.

23 **Do not submit blanket or boilerplate objections to the opponent’s statements**
24 **of undisputed fact. The objections will be overruled and disregarded.**

25 IT IS SO ORDERED.

26
27 _____
Dale S. Fischer
28 United States District Judge