

#### **IV. Motions.**

##### **Rule 7 - 4.01 Motions and Memoranda.**

(A) Unless otherwise directed by the Court, the moving party shall file with each motion a memorandum in support of the motion, including any relevant argument and citations to any authorities on which the party relies. If the motion requires consideration of facts not appearing in the record, the party also shall file all documentary evidence relied upon.

(B) Except as otherwise provided in these rules or by order of the Court, each party opposing a motion shall file, within seven (7) days after being served with the motion, a memorandum containing any relevant argument and citations to authorities on which the party relies. If any memorandum in opposition requires consideration of facts not appearing in the record, the party shall file with its memorandum all documentary evidence relied upon.

(C) Within seven (7) days after being served with a memorandum in opposition, the moving party may file a reply memorandum. Additional memoranda may be filed by either party only with leave of Court.

(D) No party shall file any motion, memorandum or brief which exceeds fifteen (15) numbered pages, exclusive of the signature page and attachments, without leave of Court. Statements of material fact filed pursuant to paragraph (E) of this rule shall be deemed attachments not part of any party's memorandum or brief.

(E) A memorandum in support of a motion for summary judgment shall have attached a statement of uncontroverted material facts, set forth in a separately numbered paragraph for each fact, indicating whether each fact is established by the record, and, if so, the appropriate citations. Every memorandum in opposition shall include a statement of material facts as to which the party contends a genuine issue exists. Those matters in dispute shall be set forth with specific references to portions of the record, where available, upon which the opposing party relies. The opposing party also shall note for all disputed facts the paragraph number from movant's listing of facts. All matters set forth in the statement of the movant shall be deemed admitted for purposes of summary judgment unless specifically controverted by the opposing party.

(F) A party opposing a motion for summary judgment under Fed.R.Civ.P. 56 shall file a memorandum and any appropriate documentary evidence twenty-one (21) days after being served with the motion. A party opposing a motion for attorney's fees pursuant to Rule 8.02, or a bill of costs pursuant to Rule 8.03 shall file, within fourteen (14) days after being served, a memorandum and any supporting documentary evidence.

(Amended April 3, 1998; effective July 1, 1998)

(Amended July 10, 2006; effective August 28, 2006)

(Amended September 8, 2009; effective December 1, 2009)

(Amended September 7, 2012; effective November 1, 2012)