

Rule 4.01 (FRCP 7) Motions and Memoranda.

(A) Unless otherwise directed by the Court, the moving party must 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 must file all documentary evidence relied upon. It is not necessary to file a separate memorandum in support of a motion for extension of time, but reasons and arguments in support of the motion must be stated in the body of the motion. If a motion for extension of time is filed by consent or is unopposed, the motion shall so state, and it will be subject to immediate consideration by the Court.

(B) Except as otherwise provided in these rules or by order of the Court, each party opposing a motion (other than a motion seeking an extension of time) must file, within fourteen (14) days after service of the motion, a single 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 must file with its memorandum all documentary evidence relied upon. Each opposition to a motion seeking an extension of time must be filed within seven (7) days after service of the motion.

(C) Within ten (10) 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 Table of Contents, Table of Authorities, signature page, and attachments, without leave of Court. Statements of material fact filed pursuant to paragraph (E) of this rule are not subject to this page limit.

(E) Every memorandum in support of a motion for summary judgment must be accompanied by a document titled Statement of Uncontroverted Material Facts, which must be separately filed using the filing event, “Statement of Uncontroverted Material Facts.” The Statement of Uncontroverted Material Facts must set forth each relevant fact in a separately numbered paragraph stating how each fact is established by the record, with appropriate supporting citation(s). Every memorandum in opposition must be accompanied by a document titled Response to Statement of Material Facts, which must be separately filed using the filing event “Response to Statement of Material Facts.” The Response must set forth each relevant fact as to which the party contends a genuine issue exists. The facts in dispute shall be set forth with specific citation(s) to the record, where available, upon which the opposing party relies. The opposing party also shall note for all disputed facts the paragraph number from the moving party’s Statement of Uncontroverted Material Facts. All matters set forth in the moving party’s Statement of Uncontroverted Material Facts 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; Amended October 2, 2019, effective November 1, 2019)