

## S.D. Indiana - Appendix A

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No.
	)	
_____	)	
	)	
Defendant.	)	

**NOTICE REGARDING RIGHT TO RESPOND TO AND SUBMIT  
EVIDENCE IN OPPOSITION TO MOTION FOR SUMMARY JUDGMENT**

[Moving party(ies)] has/have filed a motion seeking summary judgment. This means that the [moving party(ies)] seek(s) to have some part or all of this lawsuit decided against you without a trial. This motion is based on the evidence presented in the affidavits and documents attached to or referenced in the motion for summary judgment or based on the argument that you are unable to offer admissible evidence in support of your claim.

You have the right to file a response to the motion. Each of the facts stated in the "Statement of Material Facts Not in Dispute" which accompanies the motion for summary judgment will be accepted by the court as being true unless you submit your own affidavits or other admissible evidence disputing those facts. Your response may also dispute the admissibility of the evidence relied on in support of the motion for summary judgment. *However, a failure to properly respond will be the same as failing to present any evidence in your favor at a trial.*

You must file and serve a copy of your response to the motion for summary judgment by [date certain equal to 28 days after service of the motion, plus 3 days if served by mail] or by other such date ordered by the court. If you need more time to respond, you must file a motion with the court asking for more time before the deadline expires. The court may, but is not required to, give you more time.

Your response must also comply with all other portions of Federal Rule of Civil Procedure 56, and with Local Rule 56-1, copies of which are attached. Please note that for these rules you are considered a “party,” the “non-moving party” and/or the “non-movant.”

[Insert Federal Rule of Civil Procedure 56]

[Insert Local Rule 56-1]

Like other documents filed with the court, your response must comply with Southern District of Indiana Local Rule 5-1, which provides:

**(a) Filing.** A document or item submitted in relation to a matter within the court’s jurisdiction is deemed filed upon delivery to the office of the clerk in a manner prescribed by these rules or the Federal Rules of Civil Procedure or authorized by the court. Any submission directed to the office of the clerk or any employee thereof in a manner that is not contemplated by this rule and without prior court authorization is prohibited.

**(b) General.** Any pleading, motion, brief, affidavit, notice, or proposed order filed with the court, whether electronically or with the clerk, must:

- be plainly typewritten, printed, or prepared by a clearly legible copying process;
- have at least 1-inch margins;
- use at least 12-point type in the body of the document and at least 10-point type in footnotes;
- be double spaced (except for headings, footnotes, and quoted material);
- have consecutively numbered pages;
- include a title on the first page;

- if it has four or more exhibits, include a separate index that identifies and briefly describes each exhibit;
- if it is a form of order, include a statement of service, in the format required by S.D. Ind. L.R. 5-5(d) in the lower left corner of the document; and
- in the case of pleadings, motions, legal briefs, and notices, include the name, complete address, telephone number, facsimile number (where available), and e-mail address (where available) of the *pro se* litigant or attorney who files it.

**(c) Electronic Filings.** Any document submitted via the court's electronic case filing (ECF) system must be:

- in .pdf format;
- converted to a .pdf file directly from a word processing program, unless it exists only in paper format (in which case it may be scanned to create a .pdf document);
- submitted as one or more .pdf files that do not exceed 35 megabytes each (consistent with the *CM/ECF Policies and Procedures Manual*); and
- otherwise prepared and filed in a manner consistent with the *CM/ECF Policies and Procedures Manual*.

**(d) Non-Electronic Filings.**

**(1) Form, Style, and Size of Documents.** Any document that is not filed electronically must:

- be flat, unfolded, and on good-quality, 8.5" x 11" white paper;
- be single-sided;
- not have a cover or a back;
- be (if consisting of more than one page) fastened by paperclip or binder clip and may not be stapled;
- be two-hole punched at the top with the holes 2 ¾" apart and appropriately centered; and
- include the original signature of the *pro se* litigant or attorney who files it.

**(2) Request for Nonconforming Fastening.** If a document cannot be fastened or bound as required by this rule, a party may ask the clerk for permission to fasten it in another manner. The party must make such a request before attempting to file the document with nonconforming fastening.

**(e) Nonconforming Documents.** The clerk will accept a document that violates this rule, but the court may exclude the document from the official record.