

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 Rules 5-1 and 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]

[Insert Local Rule 5-1]