

RULE 7.1 MOTIONS

(A) Disposition of Motions; Oral Argument; Extension of Time

- (1) Any motion (other than summary judgment motions, which are governed by subparagraph (D) of this Rule) may, in the court's discretion, be:
 - (a) scheduled for oral argument, either at a specified time or on a Motion Day as suggested in F.R.Civ.P. 78;
 - (b) scheduled for determination by telephone conference call;
 - (c) referred to a United States magistrate judge for determination or recommendation; or
 - (d) determined upon the pleadings and the motion papers without benefit of oral argument.
- (2) A party desiring oral argument on a motion filed under subparagraph (B) of this Rule shall so specify in the motion or opposition thereto and shall state the reason why oral argument is desired.
- (3) Motions for extensions of time must be filed within the original time allowed.

(B) Memorandum of Law: Response; Reply; Length

- (1) Every motion raising a question of law (except summary judgment motions, which are governed by Subparagraph (D) of this Rule) shall be accompanied by a memorandum of law including a brief statement of the specific points or propositions of law and supporting authorities upon which the moving party relies, and identifying the Rule under which the motion is filed.
- (2) Any party opposing a motion filed pursuant to (B)(1) shall file a response to the motion, including a brief statement of the specific points or propositions of law and supporting authorities upon which the responding party relies. The response shall be filed within fourteen (14) days after service of the motion and memorandum. If no response is timely filed, the presiding judge will presume there is no opposition to the motion and may rule without further notice to the parties.
- (3) No reply to the response is permitted.

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- (4) (a) A memorandum in support of and in response to a motion shall be

double-spaced and shall not exceed 15 pages in length, unless it complies with the following type volume limitation.

- (b) A memorandum that exceeds fifteen pages in length will comply with the type volume limitation if
 - (1) it does not contain more than 7000 words or 45,000 characters, or
 - (2) it uses monospaced type and does not contain more than 650 lines of text.
- (c) A memorandum submitted under the type volume limitation must include a certificate by counsel, or by an unrepresented party, that the memorandum complies with the type volume limitation. The certificate of compliance must state the number of words, characters or lines of type in the memorandum. The person who prepares the certificate of compliance may rely on the word or character count of the word processing system used to prepare the document.
- (d) All headings, footnotes, and quotations count toward the page, word, character, and line limitations.

(C) Supporting Documents.

If documentary evidence is to be offered in support of or in opposition to a motion, and if that evidence is conveniently susceptible of copying, copies thereof shall be served and filed by the moving party with the motion and by the opposing party with the response thereto. If the evidence is not susceptible of convenient copying, the offering party instead shall furnish, to the court and to the adverse party, a concise summary of the contents and shall immediately make the original available to the adverse party for examination.

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(D) Summary Judgment

All motions for summary judgment and responses and replies thereto shall comply with the requirements of this rule. Any filings not in compliance may be stricken by the court. The consequences for failing to comply are discussed thoroughly in *Waldrige v. American Hoechst Corp.*, 24 F.3d 918 (7th Cir. 1994). Motions for extension of time to file a motion for summary judgment or a response or a reply thereto will not be looked upon with favor; such motions may be summarily denied unless they are filed within the original time as allowed by this rule or by the scheduling order.

(1) Motion for Summary Judgment

Any party filing a motion for summary judgment pursuant to Fed.R.Civ.P. 56 and the scheduling order entered in the case, shall include in that motion the following sections with appropriate headings:

(a) Introduction:

Without citations, briefly summarize the legal and factual basis for the motion and the exact relief sought.

(b) Undisputed Material Facts

List and number each undisputed material fact which is the basis for the motion for summary judgment. Include as exhibits to the motion all relevant documentary evidence. For each fact asserted, provide citations to the documentary evidence that supports it appropriately referencing the exhibit and page.

A WORD OF CAUTION: Material facts are only those facts which bear directly on the legal issue raised by the motion.

(c) Argument:

Under an appropriate subheading for each separate point of law, explain the legal point, with citations to authorities, and why or how the application of that point to the undisputed material facts entitles movant to the relief sought.

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(2) Response to Motion For Summary Judgment:

Within 21 days after service of a motion for summary judgment, any party

opposing the motion shall file a response. A failure to respond shall be deemed an admission of the motion. The response shall include the following sections with appropriate headings:

(a) Introduction:

Without citations, briefly summarize the legal and factual basis for opposition to the motion and the exact relief sought.

(b) Response to Undisputed Material Facts:

In separate subsections state the following:

(1) Undisputed material facts:

List by number each fact from Section B of the motion for summary judgment which is conceded to be undisputed and material.

(2) Disputed Material Facts:

List by number each fact from Section B of the motion for summary judgment which is claimed to be disputed. Each such claim of disputed fact shall be supported by evidentiary documentation referenced by specific page. Include as exhibits all cited documentary evidence not already submitted by the movant.

(3) Immaterial Facts:

List by number each fact from Section B of the motion for summary judgment which is claimed to be immaterial and the reason for such claim.

(4) Additional Material Facts:

List and number each additional material fact raised in opposition to the motion for summary judgment. Each additional fact shall be supported by evidentiary documentation referenced by specific page. Include as exhibits all relevant documentary evidence not already submitted by the movant.

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(c) Argument:

With or without additional citations to authorities, respond directly to the argument in the motion for summary judgment, for example, by explaining any disagreement with the movant's explanation of each point of law, why a point of law does not apply to the undisputed material facts, why its application does not entitle movant to relief or why, for other reasons, summary judgment should not be granted.

(3) Movant's Reply:

Within fourteen (14) days after service of response, the movant may file a reply. The reply shall include the following subsections, appropriately titled:

(a) Reply to Additional Material Facts

List by number the additional facts asserted in Section (b)(4) of the response. For each fact, state succinctly whether:

- (1) it is conceded to be material and undisputed,
- (2) it is material but disputed, in which case provide citations to evidentiary documentation, attached as exhibits and referenced by specific page, or
- (3) immaterial, in which case explain the reason.

(b) Argument

Succinctly and directly address any matters raised in the response with which the movant disagrees. THE REPLY SHALL BE LIMITED TO NEW MATTERS RAISED IN THE RESPONSE AND SHALL NOT RESTATE ARGUMENTS ALREADY RAISED IN THE MOTION.

(4) Oral Arguments

The Court may take the motion for summary judgment under advisement without oral argument or may schedule argument with appropriate notice to the parties. A party may file a request for oral argument and hearing at the time of filing either a motion or response pursuant to this Rule.

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(5) Page and Type Limitations

Page and type volume limitations, as set forth in Rule 7.1(B)(4), apply to Section (1)(c) of the motion for summary judgment and to Section (2)(c) of the response to the motion. The argument section of a reply shall not exceed five double-spaced pages in length.

(6) Exceptions

Local Rule 7.1(D) does not apply to pro se litigants, social security appeals, or any other case upon the showing of good cause.

(E) Amended Pleadings.

Whenever an amended pleading is filed, any motion attacking the original pleading will be deemed moot unless specifically revived by the moving party within fourteen (14) days after the amended pleading is served.