

Standing Order Regarding Federal Rule of Civil Procedure 56 Motions

Judge Charlotte N. Sweeney
United States District Court
District of Colorado

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Parties litigating before this Court shall comply with the following prerequisites for filing summary judgment motions.

I. PURPOSE

Motions for summary judgment are only appropriate when there is “no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56. All too often, litigants in federal court ignore this threshold requirement and file motions for summary judgment as a matter of course. Summary judgment motions can be a valuable tool for narrowing or resolving issues in a case, but where there are obvious disputes as to material facts, summary judgment motions merely burden courts and impose unnecessary costs on the parties. Determining whether there are disputes as to material facts is an important step in the litigation process, and it requires the parties to meaningfully meet and confer. A meaningful conferral should enable the parties to identify (a) what facts are material, and (b) whether those facts are in dispute.

II. APPLICABILITY

This Standing Order Regarding Rule 56 Motions shall apply to all civil actions except (1) Social Security actions and (2) actions with pro se parties. In actions where one or more party is unrepresented, the parties should obtain a dispositive motions deadline during the scheduling conference.

III. NOTICE TO CHAMBERS

A. No later than **10 days after the close of discovery**, a party seeking to file a motion for summary judgment must email Chambers, copying opposing counsel, to inform the Court of their intent to file such motion.

B. Upon receipt of such notice, the Court will schedule a hearing with the parties to discuss the material facts and to determine whether there are disputes of any material facts.

IV. HEARING REQUIREMENTS

A. No later than **three business days** prior to the hearing, the Parties shall **jointly file** a chart of undisputed material facts. The parties shall allow sufficient time to exchange and substantively discuss the chart prior to filing. The Parties shall format their chart in accordance with Appendix A. The moving party or parties shall also submit to the Court a statement of the claims or defenses on which they intend to move for summary judgment.

B. This chart is a tool for establishing whether there are disputes as to material facts. The chart is not intended to set forth legal arguments.

C. Each fact must be supported by specific citations to supporting evidence. The citation must be specific—e.g., provide a page and line number in a deposition transcript or multi-page document. But Parties need not file exhibits with the chart.

D. If the nonmovant disputes a particular fact, they shall identify the evidence that contradicts the purported fact and provide specific citations to supporting evidence.

E. In the fourth column of the chart, the parties shall state whether they agree that the fact in question is material.

F. To the extent a party intends to move for summary judgment on more than one claim and includes in their chart a fact that is unique to a particular claim or claim(s), the party may, but is not required to, add an additional column to the chart identifying the specific claim(s) to which the stated fact pertains.

V. MISCELLANEOUS

A. At the hearing, the Court will consider the issues raised and will set a briefing schedule. The Court will not preclude a party from filing a motion for summary judgment, but the Court will make suggestions regarding issues based on the facts identified during the hearing. Should a party proceed with filing a motion for summary judgment after the hearing, **the parties shall comply with the Civ. Practice Standard 7.1D of the Uniform Civil Practice Standards** governing motions for summary judgment.

B. Motions for summary judgment filed without adhering to the procedures in this standing order or Civ. Practice Standard 7.1D will be stricken for noncompliance.

C. No party shall file an early motion for summary judgment without first obtaining leave of the Judge or Magistrate Judge.

APPENDIX A
REQUIRED FORMAT FOR CHART OF UNDISPUTED FACTS

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Judge Charlotte N. Sweeney**

CASE NO. _____ DATE OF HEARING _____

CASE CAPTION _____

PARTY OR PARTIES SEEKING SUMMARY JUDGMENT _____

Statement of Undisputed Facts

[Party's] Motion for Summary Judgment			
Number	Movant's purported undisputed material fact (with citations)	Non-movant's response (with citations)	Do the parties agree that the purported fact is material?
1.			
2.			
3.			

APPNDIX B
EXAMPLE CHART OF UNDISPUTED FACTS

[Party's] Motion for Summary Judgment		
Movant's purported undisputed material fact (with citations)	Non-movant's response (with citations)	Do the parties agree that the purported fact is material?
The Plaintiffs employment began on June 15, 2018. <i>Citation:</i> BATES004298.	Undisputed.	Agree.
The Plaintiff was terminated on June 30, 2020. <i>Citation:</i> BATES004214.	Undisputed.	Agree.
Defendant Doe made the decision to terminate the Plaintiff. <i>Citation:</i> BATES005732; Doe Dep. Tr. 10:22-11:1.	Disputed. The superintendent Mr. Smith, not Defendant Doe, made the decision to terminate the Plaintiff. <i>Citation:</i> BATES006873; Smith Dep. Tr. 51:15-24.	Agree.
Defendant Doe's employment records state that, in 2019, he was investigated for "potential misuse of the company credit card." <i>Citation:</i> BATES006832.	Undisputed.	Disagree.