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U.S. DISTRICT COURT
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TX EASTERN-BEAUMONT
BY Barbara Wicks

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

STANDING ORDER MC-56 MOTIONS FOR SUMMARY JUDGMENT

The following standing order is hereby ADOPTED:

STANDING ORDER MC-56 SUMMARY JUDGMENT

(a) MOTIONS FOR SUMMARY JUDGMENT AND OTHER DISPOSITIVE MOTIONS

With respect to motions for summary judgment and other dispositive motions, all briefs and memoranda must contain items (3), (4), (5), (6), (8), and (9) from the list below. Any brief or memorandum that has more than ten (10) pages of argument must contain all the following items listed:

(1) A table of contents setting forth the page number of each section, including all headings designated in the body of the brief or memorandum;

(2) A table of citations of cases, statutes, rules, treatises, and other authorities, alphabetically arranged;

(3) A short statement of the nature and stage of the proceeding;

(4) A list of undisputed facts upon which the movant relies to demonstrate entitlement to the relief requested. The list shall contain only material facts that are not in dispute, and each fact shall be enumerated in a separately numbered sentence with reference to the evidentiary record;

(5) A response by the opposing party to the movant's claimed undisputed material facts. Each response to the movant's list shall be designated as such and contain a specific numbered reply to each numbered sentence in the movant's list of claimed undisputed facts. The response shall consist of the single word "undisputed," the single word "disputed" followed by a specific reference to the evidentiary record, a short explanatory phrase such as "undisputed but not material," or "undisputed by context clarified in sentence ____ below." If the non-moving party needs more discovery as to a particular fact listed by the movant, such party must state exactly what discovery is required, from whom it is needed, and when the party proposes to complete such discovery. The non-movant may then list any additional material facts which are deemed to require denial of the motion, setting out each fact in a separate sentence with a citation to the evidentiary record;

(6) The movant shall clearly set forth a statement of the issues to be ruled upon by the court and a short statement, supported by authority, of the standard of review for each issue. The non-movant need not list these issues in the response but may state other issues, such as affirmative defenses, that would justify denial of the motion;

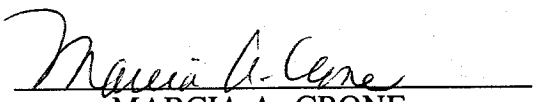
(7) A short summary of the argument;

(8) The argument shall be divided under appropriate headings, succinctly setting forth separate points with citations to controlling statutes and/or cases which explain why the court should resolve the issues accordingly;

(9) A short conclusion stating the precise relief sought.

This order applies to all pending cases and to those filed on or after the date of this order.

Signed at Beaumont, Texas, the 28th day of February, 2005.



MARCIA A. CRONE
UNITED STATES DISTRICT JUDGE