

Motion for Summary Judgment – Bankruptcy and Adversary

Docketing Event

- Adversary > Motions/Applications > Motion for Summary Judgment
 - Bankruptcy > Motions/Applications/Objections > Motion for Summary Judgment
-

Negative Notice: In adversary proceedings, Motions for Summary Judgment are filed by 21 day negative notice. In main bankruptcy cases, Motions for Summary Judgment are not filed by negative notice.

Accompanying Orders: N/A

Code and Rule References:

[Fed. R. Bankr. P. 7056](#)

[Fed. R. Bankr. P. 7004](#)

[Fed. R. Civ. P. 56](#)

[Local Rule 7001-1](#)

Fee: N/A

Applicable Chapters: 7, 11, 12, 13

Implemented: 7/26/2018

Last Revision: 10/15/2018 9:35:59 AM

Description

Summary judgment is appropriate when the movant shows there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.

In a Motion for Summary Judgment, the movant asks the Court to decide a matter in the movant's favor without a trial. The movant may rely on written materials like pleadings, discovery and disclosure materials on file, and affidavits or declarations in support of the motion.

These motions must be filed no later than 60 days prior to trial, unless otherwise ordered by the Court.

When a Motion for Summary Judgment is filed, the Court may enter a Notice Regarding Motion for Summary Judgment explaining what a Motion for Summary Judgment is, advising the parties that they may submit documents opposing the motion, and providing deadlines for responses to the motion.

Filing Checklist

Review the motion to determine if it:

- Is signed;
- Has the attorney's name and address complete and consistent with the filing attorney's name and address in CM/ECF;
- Is properly served and includes a proper certificate of service;
- Is filed in an adversary proceeding, then it must be filed with negative notice that contains the correct language and is located on the first page;

- Response period is 21 days (plus an additional three days for services if any party was served by U.S. Mail)
 - ❖ **Note: Failure to comply with Local Rule 7001-1 may result in the entry of an order abating.**
- Is filed in a main case, then no negative notice is allowed.