

Rule 7056-1 MOTIONS FOR SUMMARY JUDGMENT

(a) All motions for summary judgment shall set forth succinctly, but without argument, the specific grounds upon which the judgment is sought and must be accompanied by the following:

- (1) A separately filed Concise Statement of Material Facts setting forth the facts essential for the Court to decide the motion for summary judgment, which the moving party contends are undisputed and material, including any facts which for purposes of the summary judgment motion only are asserted to be true. The facts set forth in any party's concise statement shall be stated in separately numbered paragraphs. A party must cite to a particular pleading, deposition, answer to interrogatory, admission on file or other part of the record supporting the party's statement of the material fact;
- (2) A supporting brief that addresses applicable law and explains why there are no genuine issues of material fact to be tried and why the moving party is entitled to judgment as a matter of law; and
- (3) Documents referenced in the Concise Statement of Material Facts shall be included in an appendix. Such documents need not be filed in their entirety. Instead, the filing party may extract and highlight the relevant portions of each referenced document. Photocopies of extracted pages, with appropriate identification and highlighting, will be adequate.

(b) Within 30 days of service of the motion for summary judgment, the opposing party shall file:

- (1) A separately filed statement, which responds to each numbered paragraph in the moving party's Concise Statement of Material Facts by:
 - (A) admitting or denying whether each fact contained in the moving party's Concise Statement of Material Facts is undisputed and/or material;
 - (B) setting forth the basis for the denial if any fact contained in the moving party's Concise Statement of Material Facts is not admitted in its entirety (as to whether it is undisputed or material), with appropriate reference to the record (See W.PA.LBR 7056-1(a)(1) for instructions regarding format and annotation); and

(C) setting forth in separately numbered paragraphs any other material facts that are allegedly at issue, and/or that the opposing party asserts are necessary for the Court to determine the motion for summary judgment, with appropriate reference to the record (See W.PA.LBR 7056-1(a)(1) for instructions regarding format and annotation);

(2) A brief in opposition to the motion for summary judgment that addresses applicable law and explains why there are genuine issues of material fact to be tried and/or why the moving party is not entitled to judgment as a matter of law; and

(3) Documents referenced in the Responsive Concise Statement shall be included in an appendix. (See W.PA.LBR 7056-1(a)(3) for instructions regarding the appendix).

(c) Within 14 days of service of the opposing party's submission in opposition to the motion for summary judgment, the moving party shall reply to the opposing party's submission in the same manner as set forth in W.PA.LBR 7056-1(b).

(d) Alleged material facts set forth in the moving party's Concise Statement of Material Facts or in the opposing party's Responsive Concise Statement, which are claimed to be undisputed, will for the purpose of deciding the motion for summary judgment, be deemed admitted unless specifically denied or otherwise controverted by a separate concise statement of the opposing party.