

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court is considering the adoption of a rule on summary judgment procedure to facilitate the implementation of L.B. 204, as enacted during the 2017 legislative session. The rule would be inserted in both the Uniform County Court Rules of Practice and Procedure and the Uniform District Court Rules of Practice and Procedure and codified at Neb. Ct. R. § 6-1471 and Neb. Ct. R. § 6-1526, respectively. The Supreme Court published the proposed rule for a public comment period which ended March 1, 2018. Thereafter, the Supreme Court directed that further amendments to this rule be published for an additional public comment period.

Thus, the Supreme Court again invites interested persons to comment on the proposed rule. Anyone desiring to comment on the proposed rule should do so in writing to the office of the Clerk of the Supreme Court and Court of Appeals, P.O. Box 98910, Lincoln, Nebraska 68509-8910, or via email to wendy.wussow@nebraska.gov, no later than August 15, 2018.

The full text of the proposed rule is available below, or a hard copy may be obtained from the office of the Clerk of the Supreme Court and Court of Appeals upon request.

Uniform Rule on Summary Judgment Procedure

(A) Moving Party's Materials in Support of Motion. When a motion for summary judgment or partial summary judgment is filed, the moving party must simultaneously file with the clerk and serve on all parties of record:

(1) an Evidence Index in Support listing all evidence to be offered in support of the motion for summary judgment; and

(2) an Annotated Statement of Undisputed Facts setting forth concise, numbered paragraphs reciting each proposed material fact as to which the moving party contends there is no genuine dispute, annotated by pinpoint citation to the supporting evidence in the Evidence Index in Support.

Failure to submit such a Statement may constitute grounds for denial of the motion.

(B) Opposing Party's Materials in Opposition. Each party opposing a motion for summary judgment or partial summary judgment must file with the clerk and serve on all parties of record:

(1) an Evidence Index in Opposition listing all evidence to be offered in opposition to the motion for summary judgment; and

(2) an Annotated Statement of Disputed Facts setting forth concise, numbered paragraphs reciting each proposed material fact of the moving party as to which the opposing party contends there is a genuine dispute, annotated by pinpoint citation to the supporting evidence in the Evidence Index in Opposition.

Failure to submit such a Statement may constitute grounds for sustaining the motion.

(C) For purposes of this rule, where competing motions are filed, a party shall be considered as the moving party regarding a motion or motions asserted by that party and as an opposing party regarding a motion or motions asserted by another party.

(D) The assigned judge is expected to schedule deadlines for compliance with this rule and the summary judgment statutes so as to ensure a fair opportunity for all parties to present their evidence. The judge may, in the judge's discretion, extend any deadline for compliance with any requirement under this rule.