

NOTICE OF COMMENT PERIOD

The Nebraska Supreme Court is considering the adoption of a rule on summary judgment procedure to ensure the uniform 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 Nebraska Supreme Court 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 ashley.nolte@nebraska.gov, no later than March 1, 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.

Summary judgment procedure.

(A) Moving Party.

(1) Evidence and Evidence Index.

A party moving for summary judgment shall file, in conjunction with the motion, an evidence index setting forth all materials to be offered as evidence, including depositions, answers to interrogatories, admissions, stipulations, affidavits, or other materials on which the moving party relies.

(2) Statement of Facts; Citation to Record.

A party moving for summary judgment shall file with the court and provide a copy to all other parties, at least 10 days prior to any hearing, a statement of facts which shall consist of short numbered paragraphs, each containing pinpoint references to all materials to be offered as evidence, including depositions, answers to interrogatories, admissions, stipulations, affidavits, or other materials. Failure to provide citations to the exact locations in the record supporting the factual allegations may be grounds to deny the motion.

(3) Delivery of Evidence.

Any moving party shall furnish to all other parties copies of all materials to be offered as evidence at least 10 days prior to the hearing on the motion for summary judgment.

(B) Responding Parties.

(1) Response to Moving Party Filing.

(a) Any party against whom a motion for summary judgment has been asserted and who is asserting that a fact is genuinely disputed shall file with the court and provide a copy to all opposing parties, at least 3 days prior to any hearing on a motion for summary judgment, a statement of facts which shall consist of short numbered paragraphs, each containing pinpoint references to all materials to be offered as evidence, including depositions, answers to interrogatories, admissions, stipulations, affidavits, or other materials on which the responding party relies.

(b) The responding party shall file, in conjunction with the statement of facts, a supplemental evidence index setting forth any additional materials to be offered as evidence, including depositions, answers to interrogatories, admissions, stipulations, affidavits, or other materials on which the responding party relies.

(2) Delivery of Evidence.

Any responding party shall furnish to all other parties copies of any additional materials to be offered as evidence at least 3 days prior to the hearing on the motion for summary judgment.

(C) Citation to Evidence.

Any party may cite to any of the materials to be offered as evidence by any other party.