

## **NOTICE REGARDING SUMMARY JUDGMENT MOTION**

**THE FOLLOWING IS PROVIDED AS LEGAL INFORMATION NOT LEGAL ADVICE. THE COURT AND ITS STAFF CANNOT PROVIDE LEGAL ADVICE. A MOTION FOR SUMMARY JUDGMENT HAS BEEN FILED AND, IF UNOPPOSED, THIS MOTION MAY RESULT IN JUDGMENT BEING ENTERED AGAINST YOU WITHOUT A HEARING OR TRIAL.**

The opposing party has filed a motion for summary judgment pursuant to Indiana Trial Rule 56(C). The motion alleges that the facts are not in dispute and the Court can rule as a matter of law. The motion asks the Court to enter judgment in favor of the opposing party without a trial.

As you are not represented by counsel, you are hereby advised of your obligation to respond to the summary judgment motion. Your previous answer, denial or even counter-claim in response to the original complaint is not sufficient to defend a motion for summary judgment. Unless you submit your own affidavits (or other documentary evidence) or a response that specifically identifies information within the existing court records that contradict the factual assertions of the evidence designated in the motion for summary judgment and supporting materials, any factual assertions in the motion and supporting documentation will be accepted by the Court as true. In essence, your failure to respond to the pending motion for summary judgment would be equivalent to failing to present any evidence in your favor at a trial.

If you wish to file a response to the motion, the Court must receive your response within thirty-three (33) days after you opponent's motion was mailed to you. Failure to meet this timeframe will result in the Court being unable to consider your response or any attachments thereto.

Either party may request a court hearing on the summary judgment motion. A written request for a hearing must be received by the Court no later than ten (10) days after the response was filed or is due. The hearing will not be a trial, and neither party will be able to present evidence at the hearing. However, either party may make legal argument and refer to the evidence designated with the summary judgment motion or with any response. If no request for a hearing is filed with the Court, the Court may decide the motion without a hearing based on affidavits and documents filed by the parties.

Any response or request for hearing must be served (or mailed) on the attorney for the opposing party and any other parties. A response (or other pleading) filed with the Court must include a statement that you have complied with this requirement. Your statement may be in the following form: "I delivered a copy of this response to (Attorney Name) by United States Mail on this \_\_\_ day of \_\_\_\_, 20\_\_."

As with any legal matter, you may wish to consult with and/or retain an attorney to represent you in this lawsuit and to assist you in responding to the motion for summary judgment.

To read Indiana Trial Rule 56 and the other Ind. Trial Rules: [www.gov/judiciary/rules/](http://www.gov/judiciary/rules/).