
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

**STANDING ORDER IN CIVIL CASES
RE: MOTIONS FOR SUMMARY
JUDGMENT, REQUESTS FOR
EXTENSIONS OF TIME, REQUESTS TO
FILE AN OVERLENGTH
MEMORANDUM, AND REQUESTS FOR
LEAVE TO FILE A SURREPLY**

District Judge Jill N. Parrish

The court issues the following standing order in this case regarding procedures that supersede the court's local rules with respect to motions for summary judgment, requests for extensions of time, requests to file an overlength memorandum, and requests for leave to file a surreply.

Because this order establishes new procedures, all counsel are required to file, within seven days, a Notice of Acknowledgment. That notice must: (i) be signed by counsel; and (ii) verify that counsel carefully read and will comply with this order.

PROCEDURES GOVERNING MOTIONS FOR SUMMARY JUDGMENT

The following procedures apply to all motions for summary judgment:

- (1) A motion for summary judgment must contain a Statement of Material Facts claimed not to be genuinely disputed. Each fact must be separately stated in

numbered paragraphs and supported by citation to the record as required under Federal Rule of Civil Procedure 56(c) and supplemented by DUCivR 56-1(f).

(2) A memorandum opposing the motion must include a verbatim restatement of each of the moving party's facts that is in dispute with an explanation of the grounds for the dispute supported by citation to the record as required under Federal Rule of Civil Procedure 56(c) and supplemented by DUCivR 56-1(f). The memorandum may contain a separate Statement of Additional Materials Facts in Dispute. Any additional facts must be separately stated in numbered paragraphs and similarly supported.

(3) The motion and the memorandum opposing the motion may contain a concise statement of facts, with appropriate citations to the record, whether disputed or undisputed, for the limited purpose of providing background and context for the case, dispute and motion.

These requirements completely supersede DUCivR 56-1(b)-(d). Thus Judge Parrish requires a traditionally-formatted motion for summary judgment and the parties should not include a "Statement of Elements" section or "Response to Statement of Elements" section. All legal argument should be confined to the argument section, and all facts should be included in the Statement of Undisputed Material Facts, the Statement of Additional Material Facts in Dispute, or the background facts sections respectively.

PROCEDURES GOVERNING REQUESTS FOR EXTENSIONS OF TIME, REQUESTS TO FILE AN OVERLENGTH MEMORANDUM, AND REQUESTS FOR LEAVE TO FILE A SURREPLY

The following procedures apply to all requests for extensions of time, requests to file an overlength memorandum, and requests for leave to file a surreply when such requests relate to a

dispositive motion that will be heard by Judge Parrish.¹ These procedures do not apply to requests relating to motions pending before a Magistrate Judge.² If the parties have any questions about whether a motion is referred to a Magistrate Judge or will be heard by Judge Parrish, please contact chambers.

Failure to follow these procedures will result in denial of the party's request for an extension of time, permission to file an overlength memorandum, or for leave to file a surreply. With this in mind, the court sets forth the following rules governing the aforementioned requests:

1. No request of this kind may be filed as ex parte.
2. Any request of this kind must be made via a written motion that is filed no later than one week prior to the deadline at issue. For example, a request for extension of time to file a reply memorandum in a motion to dismiss would need to be filed one week before the original reply deadline.
3. Prior to filing such a request, a party must confer with opposing counsel with the intent to obtain a stipulation. This conference may take place by email or phone, but it is insufficient to simply send an email or leave a voicemail immediately prior to filing the request. If a stipulation cannot be reached, the party filing the motion should outline all efforts to confer with opposing counsel and obtain a stipulation.
4. If the parties stipulate to the request, the motion should be styled as a "Stipulated Motion" and no response to the request will be anticipated. If the opposing party did not stipulate to the request, then it must file an opposition to the request within three business days from the date the request is filed. There will be no reply.

¹ For example, the court's standing order would apply to all motions for leave to file an overlength brief, leave to file a surreply or an extension of time that relate to a motion to dismiss, motion for summary judgment, motion for injunctive relief, motion for terminating sanctions or pretrial motions in limine.

² Matters typically referred to a Magistrate Judge include discovery motions and other non-dispositive motions.

5. When a motion of this kind is filed, the time for response in opposition is three business days from the date the motion was filed. There will be no reply.
6. Any memorandum supporting or opposing the request is limited to four total pages, including the caption page, but excluding the certificate of service.
7. The court notes that it disfavors requests to file overlength memoranda. Thus, all such requests must identify the number of additional pages requested, the reasons why additional pages are necessary, and what efforts the party has made to comply with the page limits allowed under the local rules.

BY THE COURT



Jill N. Parrish
United States District Court Judge