

SECOND JUDICIAL CIRCUIT OF THE UNITED STATES  
UNITED STATES COURTHOUSE  
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ROBERT A. KATZMANN  
CHIEF JUDGE

KAREN GREVE MILTON  
CIRCUIT EXECUTIVE

MEMORANDUM

June 27, 2018

JUDICIAL COUNCIL  
APPROVED

JUN 28 2018

C/E

To: Second Circuit Judicial Council

From: Karen Greve Milton, Circuit Executive 

**Re: Proposed Revisions to Local Civil Rules – District of Connecticut**

The Board of Judges for the District of Connecticut has approved a proposal to revise one Local Civil Rule. The Board of Judges for the District of Connecticut has requested the Second Circuit Judicial Councils final approval.

The proposal is reflected in the attached revised Local Rule. Also, attached is a redlined version of the Rule illustrates the specific changes.

1. Local Civil Rule 56(c) – a new section (c) has been added.

The proposed changes have been published on the Court's website and in the Connecticut Law Tribune for comment.

**Kindly return your ballot by fax 212 857-8680, or by email, by Tuesday, July 3, 2018. Thank you.**

**BALLOT**

Judge: \_\_\_\_\_

\_\_\_\_\_ Yes, I approve the proposed revisions to Local Civil Rules

\_\_\_\_\_ No, I do not approve the proposed revisions to Local Civil Rules

\_\_\_\_\_ I request additional information and/or further discussion

## RULE 56

### SUMMARY JUDGMENT

(Amended ~~June~~ May 4, 2017 ~~2018~~)

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#### **(c) Summary Judgment Principles and Certification**

The Court appreciates the utility of summary judgment as a tool to manage the Court's workload by avoiding unnecessary trials, but at the same time the Court wishes to discourage the filing of motions for summary judgment in circumstances where responsible counsel and self-represented parties should recognize that the motion cannot be granted. The Court has therefore adopted this Local Rule 56(c) to remind counsel and self-represented parties of the standard for summary judgment and of their obligations with respect to motions for summary judgment.

A party moving for summary judgment bears a heavy burden. A party may obtain summary judgment as to a claim or defense only when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law as to that claim or defense – or the part of that claim or defense – on which summary judgment is sought.

In deciding a motion for summary judgment, the Court must assume that a trier of fact would resolve all factual disputes in favor of the party opposing summary judgment. All admissible evidence favorable to the party opposing the motion (including direct, indirect, and circumstantial evidence, and evidence admissible only for a limited purpose such as impeachment), and all permissible inferences based on such evidence, must be credited if such evidence and inferences could be credited by a trier of fact. The Court must disregard all evidence supporting the moving party that the jury would not be required to believe with regard to a disputed issue of fact, and must resolve all credibility questions in favor of the party opposing summary judgment.

Signing a summary judgment motion will certify that the signer, in presenting the motion to the Court, (1) has complied with the requirements of Fed. R. Civ. P. 56 and this L.R. 56, and (2) in the case of an attorney, has specifically discussed those requirements with the attorney's client.