

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
GENERAL ORDER 21-0008**

The full Court met in executive session on Thursday, February 18, 2021 and approved an amendment to Local Rule 56.1 Motions for Summary Judgment. The proposed amendment was published with comments due on December 14, 2020. Comments were received from three members of the Rules Advisory Committee and one private attorney.

The Rules Advisory Committee met on Friday, January 8, 2021 to discuss the proposed amendment and the comments received. The Advisory Committee submitted its report to the Court's Rules Committee.

The Rules Committee considered the proposed local rule, the comments received, and the report of the Rules Advisory Committee, at its meeting on February 11, 2021. The Rules Committee approved the recommendations from the Rules Advisory Committee and made further modifications. The Rules Committee recommended that the full Court adopt the amendment to Local Rule 56.1 as proposed and further modified by the Rules Committee.

The full Court considered the recommendation of the Rules Committee at its meeting on Thursday, February 18, 2021 and agreed to modify Local Rule 56.1.

By direction of the full Court;

IT IS HEREBY ORDERED that Local Rule 56.1 Motions for Summary Judgment be amended as published and modified by the Rules Committee as attached (additions shown thus, deletions shown ~~thus~~). The Rule is effective immediately, pending the approval of the Seventh Circuit Judicial Council.

ENTER:  
FOR THE COURT

  
Hon. Rebecca R. Palmeyer, Chief Judge

Dated at Chicago, Illinois this 18th day of February 2021

## LR 56.1. Motions for Summary Judgment

(a) **Moving Party.** With each summary judgment motion filed under Fed. R. Civ. P. 56, the moving party must serve and file (failure to do so constitutes grounds for denial of the motion )—

(1) a supporting memorandum of law that complies with LR 56.1(g); and

(2) a statement of material facts that complies with LR 56.1(d) and that attaches the cited evidentiary material;

(2)(3) Failure to comply with LR 56.1(a)(1) or (a)(2) may be grounds for denial of the motion.

(b) **Opposing Party.** Each party opposing a summary judgment motion shall serve and file—

(1) a supporting memorandum of law that complies with LR 56.1(g);

(2) a response to the LR 56.1(a)(2) statement of material facts that complies with LR 56.1(e) and that attaches any cited evidentiary material not attached to the LR 56.1(a)(2) statement; and

(3) if the opposing party wishes to assert facts not set forth in the LR 56.1(a)(2) statement or the LR 56.1(b)(2) response, a statement of additional material facts that complies with LR 56.1(d) and that attaches any cited evidentiary material not attached to the LR 56.1(a)(2) statement or LR 56.1(b)(2) response.

(c) **Moving Party's Reply.** After an opposing party files its materials under LR 56.1(b), the movant shall serve and file—

(1) a reply memorandum of law that complies with LR 56.1(g); and

(2) a response to the LR 56.1(b)(3) statement of additional material facts (if any) that complies with LR 56.1(e) and that attaches any cited evidentiary material not attached to the LR 56.1(a)(3) statement, the LR 56.1(b)(2) response, or the LR 56.1(b)(3) statement.

(d) **Statement of Material Facts.**

- (1) **Form.** Each LR 56.1(a)(2) statement of material facts and LR 56.1(b)(3) statement of additional facts must consist of concise numbered paragraphs setting forth a single statement of fact.
- (2) **Citations.** Each asserted fact must be supported by citation to the specific evidentiary material, including the specific page number, that supports it. The court may disregard any asserted fact that is not supported with such a citation.
- (3) All evidentiary material identified in LR 56.1(a)(2) and LR 56.1(b)(3) citations must be included in a numbered appendix included as numbered exhibits- with the statements of fact.
- (4) LR 56.1(a)(2) statements of material facts and LR 56.1(b)(3) statements of additional facts should not contain legal argument.
- (5) A movant's LR 56.1(a)(2) statement of material facts must not exceed 80 numbered paragraphs. An opposing party's LR 56.1(b)(3) statement of additional facts must not exceed 40 numbered paragraphs. A party must seek the court's permission before exceeding these limits.

**(e) Response to Statement of Facts.**

- (1) **Form.** Each LR 56.1(b)(2) and LR 56.1(c)(2) response must consist of numbered paragraphs corresponding to the numbered paragraphs in the LR 56.1(a)(2) or LR 56.1(b)(3) statement, respectively, and must attach the evidentiary material identified in LR 56.1(b)(2) and LR 56.1(c)(2), respectively. Each paragraph shall set forth the text of the asserted fact (including its citations to the supporting evidentiary material), and then shall set forth the response.
- (2) **Content.** Each response must admit the asserted fact, dispute the asserted fact, or admit in part and dispute in part the asserted fact. If the response admits in part and disputes in part the asserted fact, it must specify which part of the asserted fact is admitted and which part is disputed. A response may not set forth any new facts, meaning facts that are not fairly responsive to the asserted fact to which the response is made. A response may not assert legal arguments except to make an objection ~~under Fed. R. Civ. P. 56(e)(2),~~ including objections based on admissibility, materiality, or absence of evidentiary support. Motions to strike are disfavored. Motions to strike all or portions of an opposing party's LR 56.1 submission are disfavored. If a party contends that its opponent has included objectionable or immaterial evidence or argument in a LR 56.1 submission, the party's argument that the offending material should not be considered should be included in its

response or reply brief. In the event that the objection is overruled, the failure to admit or dispute an asserted fact may constitute a waiver.

(3) Citations. To dispute an asserted fact, a party must cite specific evidentiary material that controverts the fact and must concisely explain how the cited material controverts the asserted fact. Asserted facts may be deemed admitted if not controverted with specific citations to evidentiary material.

**(f) Reply in Support of Statement of Facts.** No reply to a LR 56.1(b)(2) or LR 56.1(c)(2) response is permitted without the court's permission. The moving party may use its reply memorandum of law to respond to an evidentiary or materiality objection raised in a LR 56.1(b)(2) response. The opposing party must seek permission from the court for a supplemental filing to respond to an evidentiary or materiality objection raised in a LR 56.1(c)(2) response.

**(g) Memorandum of Law.** Each memorandum of law ~~shall~~ must set forth legal argument in support of or opposition to summary judgment and may include a statement of facts. When addressing facts, the memorandum ~~shall not~~ must cite directly to evidentiary material attached to the ~~LR 56.1(a)(2) or LR 56.1(b)(3) statements or the LR 56.1(b)(2) or LR 56.1(e)(2) responses; rather, the memorandum shall cite to specific paragraphs~~ in the LR 56.1 statements or responses in the LR 56.1(a)(2) or LR 56.1(b)(3) statements or the LR 56.1(b)(2) or LR 56.1(e)(2) responses.

Adopted April 20, 2006. Amended February 18, 2021