**Single Motion Permitted**

These procedures contemplate the filing of a single motion for summary judgment by a party. A party shall **not** file multiple motions for summary judgment without leave of the Court, which will be given only in exceptional circumstances. Motions shall be limited to 20 double-spaced pages. The sections of a motion/response/reply discussed below that address *facts* won’t count toward the page limit in Colo. R. Civ. P. 121 § 1-15(1)(a). The case caption, signature block, certificate of service, and attachments won’t count toward the page limit either. Motions that exceed the page limitation will be stricken with leave to refile.

**Motion Format**

**Facts Section.** The moving party shall use the following format: (1) the movant shall create a section of the motion titled “Statement of Undisputed Material Facts,” and shall set forth in simple, declarative sentences, separately numbered and paragraphed, each material fact which the movant believes is not in dispute and which supports movant's claim that movant is entitled to judgment as a matter of law.

(2) Each separately numbered and paragraphed fact must be accompanied by a specific reference to material in the record which establishes that fact. General references to pleadings, depositions, or documents are insufficient if the document is over one page in length. A “specific reference” means the title of the document (“Exhibit A, Pl. Depo.,” e.g.) and a specific paragraph or page and line number; or, if the document is attached to the motion, the paragraph or page and line number.

**Legal Argument Section.** (3) For each claim for relief or defense as to which judgment is requested, the motion shall: (a) identify which party has the burden of proof; (b) identify each element that must be proved; (c) for each identified element, identify the material, undisputed facts that prove that element and the pinpoint location in the filed record; or (d) if the respondent has the burden of proof, identify the elements which the movant contends the respondent cannot prove (with reference to the record).

**Response Format**

**Facts Section.** (4) Any party opposing the motion for summary judgment shall create a section of the response titled “Response to Statement of Undisputed Material Facts,” and shall respond by deeming the facts “undisputed,” “disputed,” or “undisputed for purposes of summary judgment.” Each response shall be made in separate paragraphs numbered to correspond to movant’s paragraph numbering. Any denial shall be accompanied by a brief **factual explanation** of the reason(s) for the denial and a specific reference to material in the record supporting the denial. (E.g., the materials cited don’t support the factual assertion.)

(5) If the party opposing the motion believes that there are additional disputed (or undisputed) facts which it has not adequately addressed in the submissions made in (4) above, the party shall create a separate section of the response titled  “Statement of Additional Disputed (or Undisputed) Facts,” and shall set forth in simple, declarative sentences, separately numbered and paragraphed, each additional, material undisputed/disputed fact which undercuts movant’s claim that it is entitled to judgment as a matter of law. Each separately numbered and paragraphed fact shall be accompanied by a specific reference to material in the record which establishes the fact or at least demonstrates that it is disputed/undisputed.

**Legal Argument Section.** (6) The response shall utilize the same format for each claim/defense as in (3) above: (a) if the respondent disputes the statement of the burden of proof on necessary elements, it shall identify the element as disputed and shall provide supporting legal authority. (b) If the movant has the burden of proof, the respondent shall identify all elements for which there are disputed material facts, as well as provide a brief explanation of the reason(s) for the dispute and specific references to supportive evidence in the record appendix. Stipulation to facts not reasonably in dispute is highly encouraged. (c) If the respondent has the burden of proof, for each element identified by the movant as lacking proof, the respondent should identify the facts and their location in the record that establish that element.

**Reply Format**

**Facts Section.** (7) At the beginning of the reply, the movant shall list the facts that are undisputed and disputed by their respective paragraph number.

(8) The movant shall create a section titled “Reply Concerning Undisputed Facts,” and shall include any **factual** reply regarding the facts asserted in its motion to be undisputed, supported by specific references to material in the record. The reply will be made in separate paragraphs numbered according to the motion and the opposing party’s response.

(9) The movant shall create a section titled “Response Concerning Disputed Facts” (see (5)), to respond to those facts claims to be in dispute), either admit that the fact is disputed or supply a brief factual explanation for its position that the fact is undisputed, accompanied by a specific reference to material in the record which establishes that the fact is undisputed. The movant’s response to undisputed fact shall be done in paragraphs numbered to correspond with the opposing party’s paragraph numbering.

**Legal Argument Section.** (10) The movant shall respond to the legal arguments made by the respondent and shall not raise new issues.

(11) Legal argument is not permitted in the factual sections of the motion/response/reply and should be reserved for the legal sections of the documents. If, for example, a party believes that an established fact is immaterial, that argument must go in the legal argument section, and the fact should be admitted. If, on the other hand, a party believes that the reference to material in the record does not support the claimed fact, that fact may be disputed accompanied with a brief *factual* argument made under these procedures.