

IN THE \_\_\_\_\_ COURT OF THE STATE OF \_\_\_\_\_

FOR THE COUNTY OF \_\_\_\_\_  
\_\_\_\_\_ DIVISION

\_\_\_\_\_,

Plaintiff,

v.

Case No. \_\_\_\_\_

\_\_\_\_\_,

Defendant.

\_\_\_\_\_/

## MOTION FOR SUMMARY JUDGMENT

Plaintiff, \_\_\_\_\_, by and through undersigned counsel, hereby moves this Honorable Court for an Order granting summary judgment in its favor on all claims asserted in this action, pursuant to \_\_\_\_\_, and in support thereof states as follows:

### I. INTRODUCTION

1. This Motion seeks summary judgment in favor of Plaintiff on the grounds that there is no genuine issue as to any material fact and Plaintiff is entitled to judgment as a matter of law.

2. The undisputed material facts, as set forth below and supported by the record, demonstrate that Plaintiff is entitled to prevail on its claims against Defendant

\_\_\_\_\_ .

## II. PROCEDURAL HISTORY

3. Plaintiff initiated this action by filing its Complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, seeking relief for \_\_\_\_\_ .

4. Defendant filed its Answer to the Complaint on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ .

5. Discovery has been completed, and the parties have exchanged relevant documents and testimony.

## III. STATEMENT OF UNDISPUTED MATERIAL FACTS

6. The following facts are undisputed and material to the resolution of this action:

- a. \_\_\_\_\_
- b. \_\_\_\_\_
- c. \_\_\_\_\_
- d. \_\_\_\_\_
- e. \_\_\_\_\_
- f. \_\_\_\_\_
- g. \_\_\_\_\_
- h. \_\_\_\_\_
- i. \_\_\_\_\_
- j. \_\_\_\_\_

(See Memorandum of Law in Support of Motion for Summary Judgment, filed concurrently herewith, for specific citations to the record.)

## **IV. ARGUMENT**

### **7. Standard for Summary Judgment**

Summary judgment is appropriate when "there is no genuine issue as to any material fact and the moving party is entitled to a judgment as a matter of law." A material fact is one that might affect the outcome of the suit under the governing law. A genuine issue exists when the evidence is such that a reasonable jury could return a verdict for the nonmoving party. The moving party bears the initial burden of demonstrating the absence of a genuine issue of material fact. Once that burden is met, the nonmoving party must set forth specific facts showing that there is a genuine issue for trial.

### **8. Application of Law to Undisputed Facts**

a. Based on the undisputed material facts outlined above, Plaintiff has established all essential elements of its claim(s) for \_\_\_\_\_.

b. Specifically, the undisputed evidence demonstrates that \_\_\_\_\_.

c. Defendant has failed to present any genuine issue of material fact that would preclude judgment as a matter of law in favor of Plaintiff. The evidence presented by Defendant, if any, is insufficient to create a triable issue of fact regarding \_\_\_\_\_.

d. Therefore, as a matter of law, Plaintiff is entitled to judgment on its claims.

## **V. CONCLUSION**

9. For the foregoing reasons, Plaintiff respectfully requests that this Honorable Court grant its Motion for Summary Judgment and enter judgment in favor of Plaintiff on all claims asserted in this action.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Respectfully submitted,

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**Signature**

**Printed Name:** \_\_\_\_\_

**Bar No.:** \_\_\_\_\_

**Attorney for Plaintiff**

**Address:** \_\_\_\_\_

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**Phone:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, a true and correct copy of the foregoing MOTION FOR SUMMARY JUDGMENT was served upon the following counsel of record via \_\_\_\_\_ (e.g., U.S. Mail, electronic mail, hand delivery):

**Recipient:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Service Method:** \_\_\_\_\_

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Signature