

1 **SUMMARY JUDGMENT OR, IN THE ALTERNATIVE, MOTION TO DISMISS,**
2 **YOUR CASE WILL BE OVER AND THERE WILL BE NO TRIAL.** Rule 56 tells you
3 what you must do in order to oppose the motion.

4 a. Generally, a Motion for Summary Judgment must be granted when the
5 Court finds that, through the Motion for Summary Judgment, Defendants have demonstrated
6 there is no real dispute about any fact that would affect the outcome of your case, and the
7 Court is able to decide that the Defendants are entitled to judgment as a matter of law.

8 b. When Defendants support a Motion for Summary Judgment with proper
9 declarations (or other sworn testimony) or other evidence, you cannot merely rely on what
10 your Complaint says to defend your version of the issues and facts. Instead, you must show
11 that there is a genuine issue of material fact. In order to do this, you must also set out
12 specific facts in declarations, depositions, answers to interrogatories, or authenticated
13 documents, as provided in Rule 56(e), that contradict the facts shown in the Defendants'
14 declarations and documents.

15 c. The declarations or other sworn testimony setting out your **specific**
16 **facts** must be made on personal knowledge, must set forth such facts as would be admissible
17 as evidence, and must affirmatively show that the affiant is competent to testify regarding
18 the matters in the declaration or other sworn testimony. *See* Local Rules of the United
19 States District Court for the Eastern District of California ("L.R.") 142.

20 d. If the Court determines that any of the declarations or other sworn
21 testimony are made in bad faith, the Court may order the party employing the bad faith to
22 pay the other party for costs associated with controverting that testimony, including the other
23 party's attorney's fees.

24 2. If you do not submit your own evidence in opposition to the Motion, the
25 moving party's evidence might be taken as truth and final Judgment might be entered against
26 you without a trial. **IF THAT OCCURS, YOUR CASE WILL BE OVER AND THERE**
27 **WILL BE NO TRIAL.**

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