[plaintiff/firm name]

[address]

[city], [state] [zip]

[telephone]

[fax]

IN THE DISTRICT COURT OF GUAM

TERRITORY OF GUAM

) CIVIL CASE NO. \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

)

Plaintiff(s) )

)

vs. ) NOTICE TO *PRO SE* LITIGANT

) WHO OPPOSES A MOTION FOR

) SUMMARY JUDGMENT

Defendants(s) )

)

This notice is being provided to you in accordance with Civil Local Rule 56 (“CVLR 56”) of the Local Rules of Practice for the District of Guam. CVLR 56 sets out the requirements for summary judgment motions and for opposing such motions. You are required to comply with CVLR 56.

The defendant in this case has moved for summary judgment pursuant to Rule 56 of the Federal Rules of Civil Procedure. This means that the defendant has asked the Court to decide this case without a trial, based on written materials, including affidavits, submitted in support of the motion. **THE CLAIMS YOU ASSERT IN YOUR COMPLAINT MAY BE DISMISSED WITHOUT A TRIAL IF YOU DO NOT RESPOND TO THIS MOTION WITHIN TWENTY-ONE (21) DAYS** from the filing of the motion by filing sworn affidavits and/or other documents as required by Rule 56(c) of the Federal Rules of Civil Procedure and by CVLR 56. The full text of Rule 56 of the Federal Rules of Civil Procedure and CVLR 56 are attached.

In short, Rule 56 provides that you may NOT oppose summary judgment simply by relying upon the allegations in your complaint. Rather, you must submit evidence, such as witness statements or documents, countering the facts asserted by the defendant and raising specific facts that support your claim. If you have proof of your claim, now is the time to submit it. Any witness statements must be in the form of affidavits. An affidavit is a sworn statement of fact based on personal knowledge stating facts that would be admissible in evidence at trial. You may submit your own affidavit and/or the affidavits of others. You may submit affidavits that were prepared specifically in response to defendant’s motion for summary judgment.

To oppose a motion, you must file a concise statement that either accepts or rejects the facts set forth in the moving parties’ concise statement. The concise statement may also set forth other material facts which support your claim. The concise statement shall be no longer than five (5) pages, unless it contains no more than 1500 words. When resolving motions for summary judgment, the court shall have no independent duty to search and consider any part of the court record not otherwise referenced in a separate concise statement.

If you do not respond to the motion for summary judgment on time with a concise statement, affidavits and/or documents contradicting the material facts asserted by the defendant, the Court may accept defendant’s facts as true. Your case may be dismissed and judgment may be entered in defendant’s favor without a trial.