[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 RULE 12 MOTION

) SUPPORTED BY MATTERS OUTSIDE

Defendants(s) ) THE PLEADINGS

)

This notice is being provided to you in accordance with Civil Local Rule 12 (“CVLR 12”) of the Local Rules of Practice for the District of Guam.

The defendant in this case has moved to dismiss or for judgment on the pleadings pursuant to Rule 12(b) or 12(c) of the Federal Rules of Civil Procedure, and has submitted additional written materials. This means that the defendant has asked the Court to decide this case without a trial, based on these written materials. You are warned that the Court may treat this motion as a motion for summary judgment under Rule 56 of the Federal Rules of Civil Procedure. For this reason, 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 as required by Rule 56(c) and/or other documents. The full text of Rules 12 and 56 of the Federal Rules of Civil Procedure and Civil Local Rules 12 and 56 are attached.

In short, Rule 56 provides that you may NOT oppose the defendant’s motion 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.

If you do not respond to the motion on time with affidavits and/or documents contradicting the 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.