

## SUMMARY JUDGMENTS

All Motions for Summary Judgment shall be set for a hearing with oral argument. Unless the Applicant requests the Motion to be heard by submission, both parties should attend the hearing.

- I. Upon request, summary judgments can be heard by submission as follows:
  - (a) A hearing date is set with the Court Administrator in accordance with T.R.C.P.
  - (b) Either by cover letter or pleading, the Movant must notify the opposing party of both the hearing date and time; and, provide a written statement that the Movant does not intend to be present at the hearing but requests the Court consider the Motion by submission of Movant. Such notice must further state that the Non-Movant may appear.
  - (c) The notice in (b) must be sent certified mail, return receipt requested, to the Non-Movant.
  
- II. The case will be called on the date set for hearing and the Non-Movant may still appear and argue any properly filed Response, notwithstanding the Movant's non-appearance.
  
- III. No Summary Judgment shall enter on cases by submission unless proof of notice upon the Non Movant has been filed with the Court. Proof may be shown by affidavit, filed with the Clerk of the Court, with attachments as follows:
  - a) Copy of letter/pleading indicating the requirements set forth in 1(b) above which has been sent certified (certified and regular mail is preferred) mail and the corresponding USPS numbers.
  - b) Copy of the evidence of notice properly given by:
    - i) copy of returned green card with signatures by addressee or agent, or
    - ii) copy of returned mail with U.S.P.S. postal codes for
      - a. unclaimed
      - b. undeliverable
      - c. refused
      - d. other U.S.P.S. postal notation, or
    - iii) copy of the U.S.P.S. track and confirm website page indicating action taken for the certified mail tracking numbers.
  
- IV. If no request is made for a Motion for Summary Judgment hearing by submission, all such motions will be docketed and oral argument on the motions shall be heard.

The attached forms are examples of acceptable notice that can be filed with the Clerk to comply with I. and III. above.