

What is a Summary Judgment Motion?

Notice for Parties Who Do Not Have a Lawyer

A summary judgment motion was filed in your case. A summary judgment motion asks the court to decide this case without having a trial. Here are some important things to know:

What is summary judgment? Summary judgment is a way for one party to win their case without a trial. The party can ask for summary judgment for part of the case or for the whole case.

What happens if I ignore the motion? If you do not respond to the summary judgment motion, you can lose your case without the judge hearing from you. If you are the plaintiff or petitioner in the case, that means that your case can be dismissed. If you are the defendant, that means the plaintiff can get everything they asked for in the complaint.

How do I respond to a summary judgment motion? You can file a brief and tell the judge about the law and the facts that support your side of the case. A brief is not evidence, though, and the facts that you write about in your brief need to be supported by evidence. You can file sworn affidavits, declarations, and other paperwork to support your case. An affidavit or declaration is a sworn statement of fact that is based on personal knowledge and is admissible as evidence. You can get a blank declaration form at the Skagit County Clerk's Office.

If you are a plaintiff, you cannot win a summary judgment motion just by saying what is in your complaint. Instead, you need to give evidence, such as affidavits or declarations. You can write a declaration and so can other witnesses.

What rules do I need to know? The most important rules for summary judgment are Civil Rule 56 and Local Civil Rule 56. Those are attached to this notice. You also need to follow all the other rules that apply to courts, including Evidence Rules. You need to follow deadlines for filing your paperwork and give copies of your paperwork to the other party.

How do I file paperwork? The Skagit County Clerk's Office accepts paperwork for filing. You can go into their office during normal business hours and consult their website for information at skagitcounty.net/clerk

What happens at the summary judgment hearing? A summary judgment hearing is not a trial. The judge will not swear in witnesses or take evidence that day. The judge may let the parties or their attorneys speak and may ask questions. The entire hearing usually takes less than 30 minutes. The judge will read the paperwork in the file and will make a decision. The judge may make a decision that day or may make it later.