

Notice to Unrepresented Litigant

A party in this case has moved for **summary judgment**, under Rule 56 of the Vermont Rules of Civil Procedure. A copy of the rule is attached. "Summary judgment" means that this party has asked the court to decide this case (or specific issues in this case) without a trial. Summary judgment is used to resolve legal issues only. It is used if the parties disagree about the legal conclusion to be drawn from facts that are not in dispute.

A motion for summary judgment is filed by a legal memorandum and attached written materials, including affidavits. An affidavit is a **sworn** statement of facts, based on personal knowledge, that would be admissible in evidence at a trial.

IF YOU DO NOT RESPOND TO THIS MOTION, THIS MOTION MAY BE CONSIDERED AND DECIDED BY THE COURT WITHOUT A HEARING ON THE MOTION and WITHOUT A TRIAL ON THE MERITS OF THE CASE. If you do wish to oppose this motion, you may wish to argue that you disagree with the facts, or you may wish to argue for a different legal conclusion.

If you disagree with the facts, you **must** file your own sworn affidavits or other documents as required by Rule 56(e). Affidavits you submit can be your own statement and/or the statement of someone else who has personal knowledge of facts about your case. Affidavits may be prepared specifically in response to the motion for summary judgment. It is not enough to oppose a motion for summary judgment simply by referring to papers you may already have filed with the court or before the local board, or anything you may have said in a pre-trial conference or to the local board. Rather, you must submit evidence, such as witness affidavits or documents, which shows that the parties disagree about the facts in this case.

If you wish to argue against the legal conclusion, you can also file a written response opposing the legal arguments made in the motion for summary judgment. The time limits for these responses are found in Rule 56. Your response must be filed within 30 days unless the Court has set a different time frame in a pretrial order. If you do file a response, the Court will rule on the motion for summary judgment based on all the papers filed at the court by the deadline, from you and the other parties.

IF YOU DO NOT RESPOND IN TIME to the motion for summary judgment with affidavits or documents disagreeing with the facts as stated in the motion, the court may accept the facts as stated in the motion as true. **IF YOU DO NOT RESPOND IN TIME** to the motion for summary judgment with your own legal argument, the court may grant the motion without any further notice. This may mean that some or all of the issues in this case will be decided without any trial or other hearing.

Procedural questions may be directed to the Environmental Divisions Clerk's office at (802) 828-1660.