



United States District Court for the Middle District of Florida
United States Courthouse and Federal Building
2110 First Street, Room 5-107
Fort Myers, Florida 33901

Sheri Polster Chappell
United States District Judge

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October 14, 2015

Dear Counsel:

This letter is to advise you that certain policies and procedures for civil and criminal cases have been updated. The updates are explained thoroughly on the Court's website at: <http://www.flmd.uscourts.gov/judicialinfo/ftmyers/JgChappell.htm>. Counsel is expected to review the website promptly and carefully. The undersigned takes this opportunity to highlight three principal changes:

1. **Motion for Summary Judgment Statement of Material Facts** – Each motion for summary judgment must include a specifically captioned section titled, "Statement of Material Facts." The statement of material facts must list each material fact alleged not to be disputed in separate, numbered paragraphs. Each fact must be supported by a *pinpoint* citation to the specific part of the record relied upon to support that fact. The record includes depositions, electronically stored information, affidavits or declarations, stipulations, admissions, and interrogatory answers; however, it does not include attorneys' affidavits. When preparing the statement of material facts, the moving party must reference only the facts necessary for the Court to determine the issues presented in the motion. Legal argument should not be included. *Failure to submit a statement of material facts constitutes grounds for denying the motion.*

Each response in opposition to a motion for summary judgment must include a specifically captioned section titled, "Response to Statement of Material Facts." The opposing party's response must mirror the statement of material facts by admitting and/or denying each of the moving party's assertions in matching numbered paragraphs. Each denial must set forth a *pinpoint* citation to the record where the fact is disputed. Although the opposing party's response must correspond with the paragraph scheme

used in the statement of material facts, the response need not repeat the text of the moving party's paragraphs. In deciding a motion for summary judgment, *the Court will deem admitted any fact in the statement of material facts that the opposing party does not specifically controvert, provided the moving party's statement is supported by evidence in the record.* Additional facts that the party opposing summary judgment contends are material shall be numbered and placed at the end of the opposing party's response and include a *pinpoint* citation to the record where the fact is established.

When resolving a motion for summary judgment, the Court has no duty to search and consider any part of the record not otherwise referenced and *pinpoint* cited to in the statement of material facts and response thereto. See Fed. R. Civ. P. 56(c)(3) ("The court need consider only the cited materials, but it may consider other materials in the record.").

2. **Electronic Exhibit Binder** – The Court no longer accepts a hardcopy exhibit binder for use during a trial or hearing. Instead, counsel for each party must provide the undersigned with an *electronic* exhibit binder that contains all individual exhibits and joint exhibits that each party intends to introduce. Each exhibit must be saved as a PDF document and then combined with the other exhibits into a single PDF file. Within the single PDF file, counsel must identify each exhibit separately using PDF bookmarks. The electronic exhibit binder must be emailed to the Chambers' inbox at: Chambers_FLMD_Chappell@flmd.uscourts.gov. Include the case number and case name in the email subject line. If the file containing the electronic exhibit binder is too large to email, counsel should provide the Court with a single CD or DVD of the binder.

3. **Civil Case Management and Scheduling Order** – The undersigned has revised the policies and procedure in the case management and scheduling order. Amended case management and scheduling orders in cases with existing orders will not be issued. However, counsel and *pro se* litigants are expected to abide by the policies and procedures set forth in the updated case management and scheduling order, which may be reviewed on the undersigned's website.

The undersigned requires your close attention to and strict compliance with all policies and procedures. Thank you.

Sincerely,



Sheri Polster Chappell
United States District Judge