

IN THE WORKERS' COMPENSATION COURT OF THE STATE OF MONTANA

1998 MTWCC 75A-2

WCC No. 9806-7991

GARY GALETTI

Petitioner

vs.

MONTANA POWER COMPANY

Respondent/Insurer/Employer.

ORDER DENYING MOTION FOR SUMMARY JUDGMENT

Summary: Petitioner filed a motion for summary judgment and supporting brief using a factual narrative with numerous supporting documents attached. Petitioner has not specified the document's authenticity by way of discovery of other written response.

Held: Motion denied since it does not comply with the Court's rules. ARM 24.5.329 requires that facts supporting a motion for summary judgment be set forth in serial fashion, not in narrative form, and that the motion include reference to a specific pleadings, affidavit, or other document where the fact may be found. This rule exists for a purpose. It enables the opposing party to identify each specific fact it disputes and allows the Court to quickly determine facts without sorting through long factual narratives. Future motions with this defect will be summarily denied.

Topics:

Constitutions, Statutes, Regulations and Rules: Workers' Compensation Court

Rules: ARM 24.5.329. Where petitioner filed a motion for summary judgment using a factual narrative, and has attached numerous documents without specifying the source of the document's authenticity, the motion is denied for failure to comply with Court rules. ARM 24.5.329 requires that facts supporting a motion for summary judgment be set forth in serial fashion, not in narrative form, and that the motion include reference to a specific pleadings, affidavit, or other document where the fact may be found. This rule exists for a purpose. It enables the opposing party to identify each specific fact it disputes and allows the Court to quickly determine facts without sorting through long factual narratives. Future motions with this defect will be summarily denied.

Summary Judgment: Briefs. Where petitioner filed a motion for summary judgment using a factual narrative, and has attached numerous documents without specifying the source of the document's authenticity, the motion is denied for failure to comply with Court rules. ARM 24.5.329 requires that facts supporting a motion for summary judgment be set forth in serial fashion, not in narrative form, and that the motion include reference to a specific pleadings, affidavit, or other document where the fact may be found. This rule exists for a purpose. It enables the opposing party to identify each specific fact it disputes and allows the Court to quickly determine facts without sorting through long factual narratives. Future motions with this defect will be summarily denied.

Summary Judgment: Motion for Summary Judgment. Where petitioner filed a motion for summary judgment using a factual narrative, and has attached numerous documents without specifying the source of the document's authenticity, the motion is denied for failure to comply with Court rules. ARM 24.5.329 requires that facts supporting a motion for summary judgment be set forth in serial fashion, not in narrative form, and that the motion include reference to a specific pleadings, affidavit, or other document where the fact may be found. This rule exists for a purpose. It enables the opposing party to identify each specific fact it disputes and allows the Court to quickly determine facts without sorting through long factual narratives. Future motions with this defect will be summarily denied.

¶1 On October 5, 1998, the petitioner filed a motion for summary judgment and a supporting brief. On October 14, 1998, the respondent filed its reply.

¶2 The motion is **denied** since it does not comply with the Court's rules. Rule 24.5.329 provides in relevant part:

(3) Any party filing a motion under this rule [for summary judgment] shall include in its brief a statement of uncontroverted facts, which shall set forth in full the specific facts on which the party relies in support of the motion. The specific facts shall be set forth in serial fashion and not in narrative form. As to each fact, the statement shall refer to a specific pleading, affidavit, or other document where the fact may be found. Any party opposing a motion filed under this rule shall include in their opposition a brief statement of genuine issues, setting forth the specific facts which the opposing party asserts establish a genuine issue of material fact precluding summary judgment in favor of the moving party.

The petitioner has done precisely what the rule prohibits: he has set forth a factual narrative. Moreover, he has attached numerous supporting documents without authenticating them or at least specifying that their authenticity has been admitted by way of discovery or other written response.

¶3 The purpose of the rule requiring that facts be set forth in serial fashion with citation serves a salutary purpose. It enables the opposing party to identify each specific fact it disputes and cite the Court to the evidence upon which the dispute is based. It enables the Court to quickly determine which facts are disputed without sorting through long factual narratives.

¶4 Henceforth, motions for summary judgment which do not comply with the rule will be rejected.

DATED in Helena, Montana, this 19th day of October, 1998.

(SEAL)

\s\ Mike McCarter

JUDGE

c: Mr. Chris J. Ragar
Mr. W. Wayne Harper