

2020 - 008

Lorrie Platt

From: Gregory Silverman <gsilverman@dickinsonsilverman.com>
Sent: Wednesday, November 11, 2020 11:02 AM
To: RulesComment
Subject: Superior Ct. R. 12(g)

EXTERNAL: Do not open attachments or click on links unless you recognize and trust the sender.

Hi,

I had a couple questions/issues arise with section (4) in the past year, as identified below. Thank you. Greg

Reply Brief deadline: This section could more clearly identify that not only the Reply to the Add'l Stmt of Mat. Facts is due in 20 days, but also the Reply Brief in support of the MSJ. Otherwise, one could read Rule 13A as requiring a Reply Brief within 10 da

Allowing a Reply in support of Stmt of Mat Facts: I think that if the moving party is allowed to file a Reply Brief, one issue like to arise is whether the non-moving party has sufficiently raised a dispute of material fact. Instead of addressing that issue in the Reply Brief, I think it makes sense to expressly allow the moving party to file a Reply to the Response to the Smt of Mat. Facts (12(g)(3)(a)). For clarity and ease of reference, the issue about the material fact then can be specifically addressed in the consolidated Stmt of Mat Facts, and more succinctly referenced in the Reply Brief.

Gregory L. Silverman
Dickinson & Silverman, PLLC
603-724-8089

This E-Mail may contain information that is privileged, confidential and / or exempt from discovery or disclosure under applicable law. Unintended transmission shall not constitute waiver of the attorney-client or any other privilege. If you are not the intended recipient of this communication, and have received it in error, please do not distribute it and notify me immediately delete the original message. Unless expressly stated in this e-mail, nothing in this message or any attachment should be construed as a digital or electronic signature or as a legal opi