

#### § 6.7.1.4 "Moving Party's Separate Statement of Undisputed Material Facts"

C.C.P. § 437c(b) requires a separate statement: "setting forth plainly and concisely all material facts which the moving party contends are undisputed. Each of the material facts stated shall be followed by a reference to the supporting evidence." C.R.C., Rule 3.1350 contains the required format of the separate statement.

- 1▶ Type the caption as on previous pleadings.
- 2▶ Type the title in all caps "MOVING PARTY'S STATEMENT OF UNDISPUTED FACTS IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT." The footer is an abbreviation of the caption. (C.R.C., Rule 2.110)
- 3▶ Below the title, type the date, time, and department or division for the hearing, the name of the judge, if known, the date the action was filed, and the trial date, if set.
- 4▶ Type an introductory paragraph such as ours stating that you are submitting the separate statement in support of your motion.
- 5▶ **List the undisputed material facts and evidentiary support in the required 2-column format, stating each material fact with the supporting evidence immediately below it, and leaving the second column for the opposing party's response.**
- 6▶ (Next page) Type the standard date and signature lines as described in § 1.2.4.

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Moving Party's Separate Statement of Undisputed Material Facts (page one)

Format  
Change  
Effective  
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9 JAMES A. WRONGDOER

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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES

12 FRED A. WRONGED,  
13 Plaintiff,  
14 vs.  
15 JAMES A. WRONGDOER, and DOES 1  
16 through 10, inclusive,  
17 Defendants.

Case No. C 126447

2▶ MOVING PARTY'S SEPARATE  
STATEMENT OF UNDISPUTED  
MATERIAL FACTS IN SUPPORT OF  
MOTION FOR SUMMARY  
JUDGMENT

3▶ Date: September 30, 2000  
Time: 9:00 A.M.  
Dept: 83  
Judge: Honorable June Justice  
Action Filed: August 3, 1998  
Trial Date: December 5, 2000

4▶ 19 Defendant, JAMES A. WRONGDOER, hereby submits his Separate Statement of  
20 Undisputed Material Facts in Support of his Motion for Summary Judgment.

5▶ 22 Moving Party's Undisputed Material Facts and Supporting Evidence:      Opposing Party's Response and Supporting Evidence:

24 1. Police officer David Green witnessed  
25 the accident.  
26 D. Green deposition, p. 12, lines 4-  
18; Exh. A.

27 ///

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Moving Party's Separate Statement of Undisputed Material Facts (page two)

- 1 2. At the time of the accident, Officer  
2 Green was monitoring traffic with a  
3 radar device.  
D. Green deposition, p. 14, lines 2-  
20; Exh. A.
- 4 3. The radar device was in good  
5 working order.  
D. Green deposition, p. 14, lines 21-  
28; Exh. A.
- 6
- 7 4. The radar device calculated the speed  
8 of Wrongdoer's automobile  
immediately prior to Wronged's  
9 entering the traffic lane at 30 miles  
per hour.  
10 D. Green deposition, p. 16, lines 2-3;  
Exh. A.
- 11 5. The posted speed limit at the scene of  
12 the accident at the time of the  
accident was 35 miles per hour.  
13 D. Green deposition, p. 17, lines 5-  
10; Exh. A.
- 14

6> 15 DATED: June 10, 2000

DEBORAH SMITH  
Attorney for Defendant  
JAMES A. WRONGDOER

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