

**LR 56.1**  
**MOTIONS FOR SUMMARY JUDGMENT**

\*\*\*\*

(e) Objections to Rule 56 Evidence

Objections to evidentiary materials offered in support of or in opposition to motions for summary judgment shall be included within a timely response or reply memorandum, shall be separately designated as a specific evidentiary objection, and shall identify the Rule of Evidence or other authority that establishes inadmissibility of the proffered evidence. If any objection to evidentiary materials is raised for the first time in the reply memorandum, the party opposing such objection(s), within 7 days of service of such reply memorandum, may file a sur-reply of not more than 4 pages that only responds to the evidentiary objection(s) raised in the reply memorandum.

### LR 83.13

#### SETTLEMENTS/RESOLUTIONS – NOTICE

- (a) Whenever a case is settled, resolved, or otherwise disposed of out of Court, counsel for all parties shall immediately file a notice of such settlement/resolution and give immediate notice to the Clerk.
- (b) Compliance with this Rule does not relieve the parties of the obligation to comply with Fed. R. Civ. P. 41(a)(1)(A). Upon filing the notice ~~of settlement~~ described in section (a), the parties shall promptly file either a notice of dismissal pursuant to Rule 41(a)(1)(A)(i) or a stipulation of dismissal pursuant to Rule 41(a)(1)(A)(ii). The parties shall also submit in MS Word format a proposed Agreed Order of Dismissal to the ECF mailbox only (not the regular e-mail address) of the Presiding Judge. If the parties fail to comply with this rule within 28 days of the filing of the notice ~~of settlement~~, the Court may, in its discretion, enter an order dismissing the action.

**Comment:** The Standing Local Rules Committee calls attention to Tennessee’s savings statute, which governs a plaintiff’s right to recommence an action under certain circumstances following a “judgment or decree . . . rendered against the plaintiff.” Tenn. Code Ann. § 28-1-105; *see also* Tenn. R. Civ. P. 41.01(3) (“A voluntary nonsuit to dismiss an action without prejudice must be followed by an order of voluntary dismissal signed by the court and entered by the clerk. The date of entry of the order will govern the running of pertinent time periods.”). *But see, e.g., Ganley v. Mazda Motor of Am., Inc.*, 367 F. App’x 616, 623 n.2 (6th Cir. 2010) (discussing “the widespread agreement among the federal courts of appeals that orders issued after a plaintiff has voluntarily dismissed his complaint pursuant to Federal Rule of Civil Procedure 41(a) are void”).

- (c) Consequences of Late Notice in Civil Cases. Unless the Clerk’s office is notified that a ~~settlement has been reached~~ case has been resolved by 1:00 p.m. on the last full business day prior to the date the trial is scheduled, all costs incurred in having jurors report for service in connection with the case may be assessed by the Court equally between the parties, or against one of the parties if it appears that the party was responsible for failure to give the required notice to the Clerk. The Clerk or deputy Clerk receiving such notice ~~of a settlement~~ orally or in writing shall immediately record on the docket sheet the receipt of such notice ~~of settlement~~ and the date and time of receipt and initial the entry.

**LR 83.13**  
**SETTLEMENTS/RESOLUTIONS – NOTICE**

- (a) Whenever a case is settled, resolved, or otherwise disposed of out of Court, counsel for all parties shall immediately file a notice of such settlement/resolution and give immediate notice to the Clerk.
- (b) Compliance with this Rule does not relieve the parties of the obligation to comply with Fed. R. Civ. P. 41(a)(1)(A). Upon filing the notice described in section (a), the parties shall promptly file either a notice of dismissal pursuant to Rule 41(a)(1)(A)(i) or a stipulation of dismissal pursuant to Rule 41(a)(1)(A)(ii). The parties shall also submit in MS Word format a proposed Agreed Order of Dismissal to the ECF mailbox only (not the regular e-mail address) of the Presiding Judge. If the parties fail to comply with this rule within 28 days of the filing of the notice, the Court may, in its discretion, enter an order dismissing the action.

**Comment:** The Standing Local Rules Committee calls attention to Tennessee’s savings statute, which governs a plaintiff’s right to recommence an action under certain circumstances following a “judgment or decree . . . rendered against the plaintiff.” Tenn. Code Ann. § 28-1-105; *see also* Tenn. R. Civ. P. 41.01(3) (“A voluntary nonsuit to dismiss an action without prejudice must be followed by an order of voluntary dismissal signed by the court and entered by the clerk. The date of entry of the order will govern the running of pertinent time periods.”). *But see, e.g., Ganley v. Mazda Motor of Am., Inc.*, 367 F. App’x 616, 623 n.2 (6th Cir. 2010) (discussing “the widespread agreement among the federal courts of appeals that orders issued after a plaintiff has voluntarily dismissed his complaint pursuant to Federal Rule of Civil Procedure 41(a) are void”).

- (c) Consequences of Late Notice in Civil Cases. Unless the Clerk’s office is notified that a case has been resolved by 1:00 p.m. on the last full business day prior to the date the trial is scheduled, all costs incurred in having jurors report for service in connection with the case may be assessed by the Court equally between the parties, or against one of the parties if it appears that the party was responsible for failure to give the required notice to the Clerk. The Clerk or deputy Clerk receiving such notice orally or in writing shall immediately record on the docket sheet the receipt of such notice and the date and time of receipt and initial the entry.