

IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT IN AND FOR THE COUNTY OF DALLAS, TEXAS

Case No. 03-000000-00000

Plaintiff,

vs.

Defendant.

Case No. 03-000000-00000

Case No. 03-000000-00000

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT AND FOR THE COURT TO GRANT THE DEFENDANT'S REQUEST FOR SUMMARY JUDGMENT

The Plaintiff, [Name], moves for summary judgment and for the Court to grant the Defendant's request for summary judgment. The Plaintiff moves for summary judgment on the following grounds: [List grounds for summary judgment]. The Defendant moves for summary judgment on the following grounds: [List grounds for summary judgment].

LEGAL ANALYSIS AND CONCLUSIONS

- Under the Texas Civil Practice and Remedies Code, summary judgment is proper when the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.
- The "discovery" of a document is not a dispositive factor in summary judgment. In summary judgment, the court is to consider the evidence in the light most favorable to the non-moving party and to grant summary judgment if the evidence shows that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.
- If any fact is disputed by the parties, summary judgment is not proper. However, if the evidence is undisputed, summary judgment is proper. In summary judgment, the court is to consider the evidence in the light most favorable to the non-moving party and to grant summary judgment if the evidence shows that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.

Sample Interrogatories Defendant Dog Bite

Scott C. Dulebohn

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