



Shari Nilsson <nilsson@lclark.edu>

RE:

Mark A. Peterson <Mark.A.Peterson@ojd.state.or.us>
To: "Leslie G. Bottomly" <Leslie.G.Bottomly@ojd.state.or.us>
Cc: Shari Nilsson <nilsson@lclark.edu>, Mark Peterson <mpeterso@lclark.edu>

Thu, May 21, 2026 at 11:15 PM

Thanks Leslie. This suggestion (requiring a party to cite specifically to the record in supporting or opposing summary judgment) coming from retired Justice Nakamoto at today's civil roundtable meeting will not be added to the ORCP this biennium, if ever, as we are one working meeting before the publication meeting in September. However, if this purely (to me) procedural change would expedite summary judgment rulings and make the orders based on a better record, it would appear to be less contentious than many Rule 47 discussions. I will raise it with the Council, and I assume that the Council will give the proposal full consideration next biennium. It was a good discussion. Thanks again. The Council rarely adopts a rule from another jurisdiction but appreciates reviewing rules that exist in other jurisdictions and, where possible, improving on them.

Mark

From: Leslie G. Bottomly <Leslie.G.Bottomly@ojd.state.or.us>
Sent: Thursday, May 21, 2026 12:38 PM
To: Mark A. Peterson <Mark.A.Peterson@ojd.state.or.us>
Subject: Fw:

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From: Leslie <bottomlyadr@gmail.com>
Sent: Thursday, May 21, 2026 12:37:04 PM
To: Leslie G. Bottomly <leslie.g.bottomly@ojd.state.or.us>
Subject:

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COCP Meeting Packet
June 6, 2026
Attachment F-1

3. Each statement of material fact by a movant in a Local Rule 56(a)1 Statement or by an opponent in a Local Rule 56(a)2 Statement, and each denial in an opponent's Local Rule 56(a)2 Statement, must be followed by a specific citation to (1) the affidavit of a witness competent to testify as to the facts at trial and/or (2) evidence that would be admissible at trial. The affidavits, deposition testimony, responses to discovery requests, or other documents containing such evidence shall be filed and served with the Local Rule 56(a)1 and 2 Statements in conformity with Fed. R. Civ. P. 56(e). The "specific citation" obligation of this Local Rule requires counsel and pro se parties to cite to specific paragraphs when citing affidavits or responses to discovery requests and to cite to specific pages when citing to deposition or other transcripts or to documents longer than a single page in length. Counsel and pro se parties are hereby notified that failure to provide specific citations to evidence in the record as required by this Local Rule may result in the Court deeming certain facts that are supported by the evidence admitted in accordance with Rule 56(a)1 or in the Court imposing sanctions, including, when the movant fails to comply, an order denying the motion for summary judgment, and, when the opponent fails to comply, an order granting the motion if the undisputed facts show that the movant is entitled to judgment as a matter of law.