

* The proposed amendment to Trial Rule 56(E) would modernize the rule and remove the requirement that “sworn or certified copies not previously self-authenticated of all paper or parts thereof referred to in an affidavit shall be attached thereto or served therewith.”

Rule 56. Summary judgment

...

(E) Form of affidavits--Further testimony--Defense required.

Supporting and opposing affidavits ~~must~~ shall be ~~based~~ made on personal knowledge, ~~shall~~ set forth ~~such~~ facts ~~that~~ as would be admissible in evidence, and ~~shall show~~ affirmatively show that the affiant is competent to testify to the matters stated ~~therein~~. ~~Sworn or certified copies not previously self-authenticated of all papers or parts thereof referred to in an affidavit shall be attached thereto or served therewith.~~ The court may permit affidavits to be supplemented or opposed by depositions, answers to interrogatories, or further affidavits. When a motion for summary judgment is made and supported as provided in this rule, an adverse party may not ~~rely solely on~~ rest upon the mere allegations or denials ~~in the of his~~ pleading, ~~but~~ instead, the party's response, by affidavits or as otherwise provided in this rule, must set forth specific facts showing that ~~there is~~ a genuine issue for trial exists. If ~~the party~~ he fails to ~~does not so~~ respond in this manner, ~~the court must enter~~ summary judgment, ~~if appropriate, shall be entered~~ against ~~that party~~ him if summary judgment is otherwise appropriate. ~~A~~ Denial of summary judgment may be challenged by a motion to correct errors after a final judgment or order is entered.