

CAUSE NO. _____

THE STATE OF TEXAS § IN THE DISTRICT COURT OF
V. § _____ COUNTY, TEXAS
[INSERT PROPERTY] § _____ JUDICIAL DISTRICT

**DEFENDANT’S RESPONSE TO PLAINTIFF’S MOTION FOR SUMMARY
JUDGMENT**

TO THE HONORABLE COURT:

On this day, [DATE], Defendant files this Response to Plaintiff’s Motion for Summary Judgment, and shows the Court as follows:

1. The Evidence in Support of the Motion is Insufficient to Support Summary Judgment

Defendant objects to Plaintiff’s evidence as follows: [FILL IN YOUR OBJECTIONS TO WHY THE STATE SHOULD NOT AUTOMATICALLY WIN, PARTICULARLY FACTS THAT THE STATE MAKES IN ITS PETITION THAT ARE FACTUALLY INACCURATE.]

2. The Evidence is Sufficient to Raise a Genuine Issue of Material Fact Regarding the Case

- a. Plaintiff contends that a certain element of Defendant’s defense has no evidentiary support, namely, [REPEAT OBJECTIONS FROM ABOVE]. However, evidence exists sufficient to at least raise a genuine issue of material fact with regard to these facts.
- b. To demonstrate that there is evidence raising an issue of fact on [LIST FIRST ARGUMENT FROM ABOVE], Defendant refers the Court to the following [DESCRIBE YOUR VERSION OF THE FACTS, QUOTE THE STATE’S PETITION, AND IMMEDIATELY FOLLOW WITH YOUR OWN EVIDENCE (MAKE SURE TO ATTACH THAT EVIDENCE!)].

- c. To demonstrate that there is evidence raising an issue of fact on [LIST SECOND ARGUMENT FROM ABOVE], Defendant refers the Court to the following [DESCRIBE YOUR VERSION OF THE FACTS, QUOTE THE STATE'S PETITION, AND IMMEDIATELY FOLLOW WITH YOUR OWN EVIDENCE (MAKE SURE TO ATTACH THAT EVIDENCE!)].

WHEREFORE, Defendant requests that this Court deny Plaintiff's Motion for Summary Judgment.

Respectfully submitted,

[SIGN YOUR NAME]
[PRINT YOUR NAME]
[YOUR ADDRESS]
[YOUR PHONE]
[YOUR EMAIL]

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was sent on the [DAY] day of [MONTH] [YEAR] by regular U.S. mail, by facsimile, or certified mail, return receipt requested, to the following parties or attorneys of record:

[INSERT NAME OF STATE'S ATTORNEY], Attorney at Law

[INSERT NAME OF ANY OTHER PARTIES OR THEIR ATTORNEY, IF REPRESENTED]