



Employment Discrimination: Motion for Summary Judgment Tip Sheet

Q: Should you move for summary judgment?

- Defendant argues that you were fired because of your poor performance, and not because of race/national origin discrimination.
- Look at the evidence you gathered during discovery (documents, answers to interrogatories, deposition testimony).
- Now imagine that a jury is looking at your evidence and Defendant's evidence. Imagine that any time your evidence contradicts Defendant's evidence, the jury decides to go with Defendant's evidence.
- Is there any way that the jury could reasonably side with Defendant, and decide that you were terminated because of your performance issues?
 - If YES: You should not move for summary judgment.
 - If NO: You may move for summary judgment. Consult Federal Rule of Civil Procedure 56 to learn more about the documents that you must write and submit to move for summary judgment.

This Tip Sheet is designed to provide information to pro se civil litigants in Colorado and is current as of July 30, 2018. It is not a substitute for legal advice from an experienced attorney. If you have any questions, please call the Federal Pro Se Clinic at (303) 380-8786.