**Section 1848.20 Summary Decision**

a) At any time after a proceeding has begun, a party may move for summary decision of the whole or part of a case in accordance with Section 1848.12.

b) The moving party under this Section shall verify any allegation of fact with supporting affidavits, unless the moving party is relying upon depositions, answers to interrogatories, admissions, or documents produced upon request to verify such allegations.

c) Any affidavit submitted in support of a motion filed under this Section shall comply with Illinois Supreme Court Rule 191.

d) Any party filing a motion for summary decision shall submit along therewith a supporting memorandum of law and a statement of material facts as to which the moving party contends there is no genuine issue. Such statement of facts shall:

1) Consist of numbered paragraphs; and

2) Include within each paragraph specific references to the affidavits, parts of the record or other materials relied upon to support the facts stated in the paragraph.

e) Any party opposing a motion for summary decision shall file a written response thereto within fifteen (15) days after service of the motion for summary decision. Such response shall:

1) Respond to each numbered paragraph of the moving party's statement of material facts; and

2) In the case of any dispute, include within each numbered paragraph specific references to the affidavits, parts of the record or other materials relied upon to support the response.

f) All material facts contained in the moving party's statement will be deemed admitted unless controverted by the opposing party's response.

g) The failure of a party who bears the burden of proof with respect to a particular issue to submit evidence on that issue in the course of a summary decision motion shall result in a decision in favor of his opponent as to that issue.

h) The hearing officer may grant a motion under this Section if the record shows that:

1) There is no disputed issue as to any material fact; and

2) The moving party is entitled to summary decision as a matter of law.

i) If a motion for summary decision is not granted for the entire case or for all the relief requested and a hearing is necessary, the hearing officer shall, if practicable, and upon examination of all relevant documents and evidence before him, ascertain what material facts are actually and in good faith controverted. He shall thereupon issue an order specifying the facts that appear without substantial controversy and direct such further proceedings as deemed appropriate.