

1 **Rule 7. Pleadings allowed; motions, memoranda, hearings, orders.**

2 (a) **Pleadings.** There shall be a complaint and an answer; a reply to a counterclaim;
3 an answer to a cross claim, if the answer contains a cross claim; a third party complaint,
4 if a person who was not an original party is summoned under the provisions of Rule 14;
5 and a third party answer, if a third party complaint is served. No other pleading shall be
6 allowed, except that the court may order a reply to an answer or a third party answer.

7 (b)(1) **Motions.** An application to the court for an order shall be by motion which,
8 unless made during a hearing or trial or in proceedings before a court commissioner,
9 shall be made in accordance with this rule. A motion shall be in writing and state
10 succinctly and with particularity the relief sought and the grounds for the relief
11 sought.

12 (b)(2) **Limit on order to show cause.** An application to the court for an order to
13 show cause shall be made only for enforcement of an existing order or for sanctions
14 for violating an existing order. An application for an order to show cause must be
15 supported by an affidavit sufficient to show cause to believe a party has violated a
16 court order.

17 (c) **Memoranda.**

18 (c)(1) **Memoranda required, exceptions, filing times.** All motions, except
19 uncontested or ex parte motions, shall be accompanied by a supporting
20 memorandum. Within ~~ten~~14 days after service of the motion and supporting
21 memorandum, a party opposing the motion shall file a memorandum in opposition.
22 Within ~~five~~7 days after service of the memorandum in opposition, the moving party
23 may file a reply memorandum, which shall be limited to rebuttal of matters raised in
24 the memorandum in opposition. No other memoranda will be considered without
25 leave of court. A party may attach a proposed order to its initial memorandum.

26 (c)(2) **Length.** Initial memoranda shall not exceed 10 pages of argument without
27 leave of the court. Reply memoranda shall not exceed 5 pages of argument without
28 leave of the court. The court may permit a party to file an over-length memorandum
29 upon ex parte application and a showing of good cause.

30 (c)(3) **Content.**

31 (c)(3)(A) A memorandum supporting a motion for summary judgment shall
32 contain a statement of material facts as to which the moving party contends no
33 genuine issue exists. Each fact shall be separately stated and numbered and
34 supported by citation to relevant materials, such as affidavits or discovery
35 materials. Each fact set forth in the moving party's memorandum is deemed
36 admitted for the purpose of summary judgment unless controverted by the
37 responding party.

38 (c)(3)(B) A memorandum opposing a motion for summary judgment shall
39 contain a verbatim restatement of each of the moving party's facts that is
40 controverted, and may contain a separate statement of additional facts in
41 dispute. For each of the moving party's facts that is controverted, the opposing
42 party shall provide an explanation of the grounds for any dispute, supported by
43 citation to relevant materials, such as affidavits or discovery materials. For any
44 additional facts set forth in the opposing memorandum, each fact shall be
45 separately stated and numbered and supported by citation to supporting
46 materials, such as affidavits or discovery materials.

47 (c)(3)(C) A memorandum with more than 10 pages of argument shall contain
48 a table of contents and a table of authorities with page references.

49 (c)(3)(D) A party may attach as exhibits to a memorandum relevant portions of
50 documents cited in the memorandum, such as affidavits or discovery materials.

51 (d) **Request to submit for decision.** When briefing is complete, either party may
52 file a "Request to Submit for Decision." The request to submit for decision shall state the
53 date on which the motion was served, the date the opposing memorandum, if any, was
54 served, the date the reply memorandum, if any, was served, and whether a hearing has
55 been requested. If no party files a request, the motion will not be submitted for decision.

56 (e) **Hearings.** The court may hold a hearing on any motion. A party may request a
57 hearing in the motion, in a memorandum or in the request to submit for decision. A
58 request for hearing shall be separately identified in the caption of the document
59 containing the request. The court shall grant a request for a hearing on a motion under
60 Rule 56 or a motion that would dispose of the action or any claim or defense in the

61 action unless the court finds that the motion or opposition to the motion is frivolous or
62 the issue has been authoritatively decided.

63 (f) **Orders.**

64 (f)(1) An order includes every direction of the court, including a minute order
65 entered in writing, not included in a judgment. An order for the payment of money
66 may be enforced in the same manner as if it were a judgment. Except as otherwise
67 provided by these rules, any order made without notice to the adverse party may be
68 vacated or modified by the judge who made it with or without notice. Orders shall
69 state whether they are entered upon trial, stipulation, motion or the court's initiative.

70 (f)(2) Unless the court approves the proposed order submitted with an initial
71 memorandum, or unless otherwise directed by the court, the prevailing party shall,
72 within ~~fifteen~~21 days after the court's decision, serve upon the other parties a
73 proposed order in conformity with the court's decision. Objections to the proposed
74 order shall be filed within ~~five~~7 days after service. The party preparing the order
75 shall file the proposed order upon being served with an objection or upon expiration
76 of the time to object.

77 (f)(3) Unless otherwise directed by the court, all orders shall be prepared as
78 separate documents and shall not incorporate any matter by reference.

79 [Advisory Committee Notes](#)

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