

1 Rule 7. Pleadings allowed; motions, memoranda, hearings, orders, objection to  
2 commissioner's order.

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

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

12 (c) Memoranda.

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

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

24 (c)(3) Content.

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

31 (c)(3)(B) A memorandum opposing a motion for summary judgment shall contain a verbatim  
32 restatement of each of the moving party's facts that is controverted, and may contain a separate  
33 statement of additional facts in dispute. For each of the moving party's facts that is controverted,  
34 the opposing party shall provide an explanation of the grounds for any dispute, supported by  
35 citation to relevant materials, such as affidavits or discovery materials. For any additional facts  
36 set forth in the opposing memorandum, each fact shall be separately stated and numbered and  
37 supported by citation to supporting materials, such as affidavits or discovery materials.

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

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

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

47 (e) Hearings. The court may hold a hearing on any motion. A party may request a hearing in  
48 the motion, in a memorandum or in the request to submit for decision. A request for hearing shall  
49 be separately identified in the caption of the document containing the request. The court shall  
50 grant a request for a hearing on a motion under Rule 56 or a motion that would dispose of the  
51 action or any claim or defense in the action unless the court finds that the motion or opposition to  
52 the motion is frivolous or the issue has been authoritatively decided.

53 (f) Orders.

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

60 (f)(2) Unless the court approves the proposed order submitted with an initial memorandum,  
61 or unless otherwise directed by the court, the prevailing party shall, within fifteen days after the

62 court's decision, serve upon the other parties a proposed order in conformity with the court's  
63 decision. Objections to the proposed order shall be filed within five days after service. The party  
64 preparing the order shall file the proposed order upon being served with an objection or upon  
65 expiration of the time to object.

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

68 (g) Objection to court commissioner's recommendation. A recommendation of a court  
69 commissioner is the order of the court until modified by the court. A party may object to the  
70 recommendation by filing an objection in the same manner as filing a motion within ten days  
71 after the recommendation is made in open court or, if the court commissioner takes the matter  
72 under advisement, ten days after the minute entry of the recommendation is served. A party may  
73 respond to the objection in the same manner as responding to a motion.

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