

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~~ filed. No other pleading
6 shall be ~~allowed~~ filed, except that the court may order a reply to an answer or a third
7 party answer.

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

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

18 (c) **Memoranda.**

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

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

31 (c)(3) **Content.**

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

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

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

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

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

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

61 Rule 56 or a motion that would dispose of the action or any claim or defense in the
62 action unless the court finds that the motion or opposition to the motion is frivolous or
63 the issue has been authoritatively decided.

64 (f) **Orders.**

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

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

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

80 (g) Expedited procedures for discovery motions. A motion for extraordinary
81 discovery under Rule 26, a motion for a protective order or a motion for an order
82 compelling disclosure or discovery under Rule 37, or a motion to quash a subpoena
83 under Rule 45, shall follow the procedures of this paragraph.

84 (g)(1) Length and content. The motion shall be no more than four pages, not
85 including permitted exhibits and attachments, and shall include in the following
86 order:

87 (g)(1)(A) a certification that the requesting party has in good faith
88 conferred or attempted to confer with the other affected parties in an effort
89 to resolve the dispute without court action;

90 (g)(1)(B) a statement regarding proportionality under Rule 26(b)(2);

91 (g)(1)(C) if the request is a request for extraordinary discovery, a
92 statement complying with Rule 26(c); and
93 (g)(1)(D) the relief sought and the grounds for the relief sought stated
94 succinctly and with particularity.
95 (g)(1)(E) an attached copy of the request for discovery, the disclosure, or
96 the response at issue;
97 (g)(1)(F) an attached proposed order; and
98 (g)(1)(g) no other exhibits or attachments, unless required by law.

99 (g)(2) **Response length and content.** No more than 7 days after the moving
100 party has filed the motion, the non-moving party may file a response. The
101 response shall be no more than four pages, not including permitted exhibits and
102 attachments, and shall include in the following order:

103 (g)(2)(A) a statement regarding proportionality under Rule 26(b)(2);
104 (g)(2)(B) a succinct statement regarding the relief sought and the grounds
105 for the relief sought;
106 (g)(2)(C) an attached copy of the request for discovery, the disclosure, or
107 the response at issue, to the extent needed and not included among the
108 requesting party's papers;
109 (g)(2)(D) an attached proposed order; and
110 (g)(2)(E) no other exhibits or attachments, unless required by law.

111 (g)(3) **Decision.** Upon filing of the response or expiration of the time to do so,
112 either party may and the moving party shall file a Request to Submit for Decision
113 under paragraph (i). The court will promptly decide the motion. The court may
114 decide the motion on the pleadings and papers unless the court schedules a
115 hearing. The hearing may be by telephone conference or other electronic
116 communication. The court may order additional briefing and establish a briefing
117 schedule.

Advisory Committee Notes

118 Paragraph (g) adopts the expedited procedures for discovery motions formerly
119 approved by the Judicial Council. The expedited procedures are intended to be
120

121 complete, without the need to refer to the procedures for other motions, unless the
122 judge directs that the other procedures apply.
123