

1 **Rule 7A. Motion to enforce order and for sanctions.**

2 **(a) Motion.** To enforce a court order or to obtain a sanctions order for violation of an order, a party
3 must file a motion to enforce order and for sanctions (if requested), pursuant to this rule and [Rule 7](#). The
4 timeframes set forth in this rule, rather than those set forth in [Rule 7](#), govern motions to enforce orders
5 and for sanctions. If the motion is to be heard by a commissioner, the motion must also follow the
6 procedures of [Rule 101](#). For purpose of this rule, an order includes a judgment.

7 **(b) Affidavit.** The motion must state the title and date of entry of the order that the moving party
8 seeks to enforce. The motion must be verified, or must be accompanied by at least one supporting
9 affidavit that is based on personal knowledge and shows that the affiant is competent to testify on the
10 matters set forth. The verified motion or affidavit must set forth facts that would be admissible in evidence
11 and that would support a finding that the party has violated the order.

12 **(c) Proposed order.** The motion must be accompanied by a proposed order to attend hearing, which
13 must:

14 (c)(1) state the title and date of entry of the order that the moving party seeks to enforce;

15 (c)(2) state the relief sought by the moving party;

16 (c)(3) state whether the moving party is requesting that the nonmoving party be held in contempt
17 and, if so, state that the penalties for contempt may include, but are not limited to, a fine of up to
18 \$1000 and confinement in jail for up to 30 days;

19 (c)(4) order the nonmoving party to appear personally or through counsel at a specific date, time,
20 and place to explain whether the nonmoving party has violated the order; and

21 (c)(5) state that no written response is required but is permitted if filed at least 14 days before the
22 hearing, unless the court sets a different time, and that any written response must follow the
23 requirements of [Rule 7](#), and [Rule 101](#) if the hearing will be before a commissioner.

24 **(d) Service of the order.** If the court grants the motion and issues an order to attend hearing, the
25 moving party must have the order, the motion, and all supporting affidavits personally served on the
26 nonmoving party in a manner provided in [Rule 4](#) at least 28 days before the hearing. For good cause the
27 court may order that service be made on the nonmoving party's counsel of record in a manner provided in
28 [Rule 5](#). The court may order less than 28 days' notice of the hearing if:

29 (d)(1) the motion requests an earlier date; and

30 (d)(2) it clearly appears from specific facts shown by affidavit that immediate and irreparable
31 injury, loss, or damage will result to the moving party if the hearing is not held sooner.

32 **(e) Reply.** A reply is not required, but if filed, must be filed at least 7 days before the hearing, unless
33 the court sets a different time.

34 **(f) Hearing.** At the hearing the court may receive evidence, hear argument, and rule upon the motion,
35 or may request additional briefing or hearings. The moving party bears the burden of proof on all claims
36 made in the motion. At the court's discretion, the court may convene a telephone conference before the

37 hearing to preliminarily address any issues related to the motion, including whether the court would like to
38 order a briefing schedule other than as set forth in this rule.

39 **(g) Limitations.** This rule does not apply to an order to show cause that is issued by the court on its
40 own initiative. A motion to enforce order and for sanctions presented to a court commissioner must also
41 follow [Rule 101](#), including all time limits set forth in [Rule 101](#). This rule applies only in civil actions, and
42 does not apply in criminal cases. This rule does not apply to motions filed under [Rule 37](#).

43 **(h) Orders to show cause.** The process set forth in this rule replaces and supersedes the prior order
44 to show cause procedure. An order to attend hearing serves as an order to show cause as that term is
45 used in statute. Nothing in this rule is intended to limit or alter the inherent power of the court to initiate
46 order to show cause proceedings to assess whether cases should be dismissed for failure to prosecute or
47 to otherwise manage the court's docket.