

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

2 **(a) Pleadings.** Only these pleadings are allowed:

3 (1) a complaint;

4 (2) an answer to a complaint;

5 (3) an answer to a counterclaim designated as a counterclaim;

6 (4) an answer to a crossclaim;

7 (5) a third-party complaint;

8 (6) an answer to a third-party complaint; and

9 (7) a reply to an answer if ordered by the court.

10 **(b) Motions.** A request for an order must be made by motion. The motion must be in
11 writing unless made during a hearing or trial, must state the relief requested, and must
12 state the grounds for the relief requested. Except for the following, a motion must be
13 made in accordance with this rule.

14 (1) A motion, other than a motion described in paragraphs (b)(2), (b)(3) or (b)(4),
15 made in proceedings before a court commissioner must follow Rule [101](#).

16 (2) A request under [Rule 26](#) for extraordinary discovery must follow Rule [37\(a\)](#).

17 (3) A request under Rule [37](#) for a protective order or for an order compelling
18 disclosure or discovery – but not a motion for sanctions – must follow Rule [37\(a\)](#).

19 (4) A request under Rule [45](#) to quash a subpoena must follow Rule [37\(a\)](#).

20 (5) A motion for summary judgment must follow the procedures of this rule as
21 supplemented by the requirements of Rule [56](#).

22 **(c) Name and content of motion.**

23 (1) The rules governing captions and other matters of form in pleadings apply to
24 | motions and other papers.

25 (2) **Caution language.** For all dispositive motions, the motion must include the
26 following caution language at the top right corner of the first page, in bold type:
27 **This motion requires you to respond. Please see the Notice to Responding Party.**

28 (3) **Bilingual notice.** All motions must include or attach the bilingual Notice to
29 Responding Party approved by the Judicial Council.

30 (4) **Failure to include caution language and notice.** Failure to include the caution
31 language in paragraph (c)(2) or the bilingual notice in paragraph (c)(3) may be
32 grounds to continue the hearing on the motion, or may provide the non-moving
33 party with a basis under Rule 60(b) for excusable neglect to set aside the order
34 resulting from the motion. Parties may opt out of receiving the notices set forth in
35 paragraphs (c)(2) and (c)(3) while represented by counsel.

36 (5) **Title of motion.** The moving party must title the motion substantially as:
37 “Motion [short phrase describing the relief requested].”

38 (6) **Contents of motion.** The motion must include the supporting memorandum. The
39 motion must include under appropriate headings and in the following order:

40 (A) a concise statement of the relief requested and the grounds for the relief
41 requested; and

42 (B) one or more sections that include a concise statement of the relevant facts
43 claimed by the moving party and argument citing authority for the relief
44 requested.

45 (27) If the moving party cites documents, interrogatory answers, deposition
46 testimony, or other discovery materials, relevant portions of those materials must be
47 attached to or submitted with the motion.

48 (38) **Length of motion.** If the motion is for relief authorized
49 by Rule [12\(b\)](#) or [12\(c\)](#), Rule [56](#) or Rule [65A](#), the motion may not exceed 25 pages, not
50 counting the attachments, unless a longer motion is permitted by the court. Other

51 motions may not exceed 15 pages, not counting the attachments, unless a longer
52 motion is permitted by the court.

53 **(d) Name and content of memorandum opposing the motion.**

54 (1) A nonmoving party may file a memorandum opposing the motion within 14
55 days after the motion is filed. The nonmoving party must title the memorandum
56 substantially as: “Memorandum opposing motion [short phrase describing the relief
57 requested].” The memorandum must include under appropriate headings and in the
58 following order:

59 (A) a concise statement of the party’s preferred disposition of the motion and the
60 grounds supporting that disposition;

61 (B) one or more sections that include a concise statement of the relevant facts
62 claimed by the nonmoving party and argument citing authority for that
63 disposition; and

64 (C) objections to evidence in the motion, citing authority for the objection.

65 (2) If the non-moving party cites documents, interrogatory answers, deposition
66 testimony, or other discovery materials, relevant portions of those materials must be
67 attached to or submitted with the memorandum.

68 (3) If the motion is for relief authorized by Rule [12\(b\)](#) or [12\(c\)](#), Rule [56](#) or Rule [65A](#),
69 the memorandum opposing the motion may not exceed 25 pages, not counting the
70 attachments, unless a longer memorandum is permitted by the court. Other
71 opposing memoranda may not exceed 15 pages, not counting the attachments,
72 unless a longer memorandum is permitted by the court.

73 **(e) Name and content of reply memorandum.**

74 (1) Within 7 days after the memorandum opposing the motion is filed, the moving
75 party may file a reply memorandum, which must be limited to rebuttal of new
76 matters raised in the memorandum opposing the motion. The moving party must

77 title the memorandum substantially as “Reply memorandum supporting motion
78 [short phrase describing the relief requested].” The memorandum must include
79 under appropriate headings and in the following order:

80 (A) a concise statement of the new matter raised in the memorandum opposing
81 the motion;

82 (B) one or more sections that include a concise statement of the relevant facts
83 claimed by the moving party not previously set forth that respond to the
84 opposing party’s statement of facts and argument citing authority rebutting the
85 new matter;

86 (C) objections to evidence in the memorandum opposing the motion, citing
87 authority for the objection; and

88 (D) response to objections made in the memorandum opposing the motion, citing
89 authority for the response.

90 (2) If the moving party cites documents, interrogatory answers, deposition
91 testimony, or other discovery materials, relevant portions of those materials must be
92 attached to or submitted with the memorandum.

93 (3) If the motion is for relief authorized by Rule [12\(b\)](#) or [12\(c\)](#), Rule [56](#) or Rule [65A](#),
94 the reply memorandum may not exceed 15 pages, not counting the attachments,
95 unless a longer memorandum is permitted by the court. Other reply memoranda
96 may not exceed 10 pages, not counting the attachments, unless a longer
97 memorandum is permitted by the court.

98 **(f) Objection to evidence in the reply memorandum; response.** If the reply
99 memorandum includes an objection to evidence, the nonmoving party may file a
100 response to the objection no later than 7 days after the reply memorandum is filed. If
101 the reply memorandum includes evidence not previously set forth, the nonmoving
102 party may file an objection to the evidence no later than 7 days after the reply
103 memorandum is filed, and the moving party may file a response to the objection no

104 later than 7 days after the objection is filed. The objection or response may not be more
105 than 3 pages.

106 **(g) Request to submit for decision.** When briefing is complete or the time for briefing
107 has expired, either party may file a “Request to Submit for Decision,” but, if no party
108 files a request, the motion will not be submitted for decision. The request to submit for
109 decision must state whether a hearing has been requested and the dates on which the
110 following documents were filed:

111 (1) the motion;

112 (2) the memorandum opposing the motion, if any;

113 (3) the reply memorandum, if any; and

114 (g)(4) the response to objections in the reply memorandum, if any.

115 **(h) Hearings.** The court may hold a hearing on any motion. A party may request a
116 hearing in the motion, in a memorandum or in the request to submit for decision. A
117 request for hearing must be separately identified in the caption of the document
118 containing the request. The court must grant a request for a hearing on a motion
119 under Rule [56](#) or a motion that would dispose of the action or any claim or defense in
120 the action unless the court finds that the motion or opposition to the motion is frivolous
121 or the issue has been authoritatively decided.

122 **(i) Notice of supplemental authority.** A party may file notice of citation to significant
123 authority that comes to the party’s attention after the party's motion or memorandum
124 has been filed or after oral argument but before decision. The notice may not exceed 2
125 pages. The notice must state the citation to the authority, the page of the motion or
126 memorandum or the point orally argued to which the authority applies, and the reason
127 the authority is relevant. Any other party may promptly file a response, but the court
128 may act on the motion without waiting for a response. The response may not exceed 2
129 pages.

130 **(j) Orders.**

131 **(1) Decision complete when signed; entered when recorded.** However designated,
132 the court's decision on a motion is complete when signed by the judge. The decision
133 is entered when recorded in the docket.

134 **(2) Preparing and serving a proposed order.** Within 14 days of being directed by the
135 court to prepare a proposed order confirming the court's decision, a party must
136 serve the proposed order on the other parties for review and approval as to form. If
137 the party directed to prepare a proposed order fails to timely serve the order, any
138 other party may prepare a proposed order confirming the court's decision and serve
139 the proposed order on the other parties for review and approval as to form.

140 **(3) Effect of approval as to form.** A party's approval as to form of a proposed order
141 certifies that the proposed order accurately reflects the court's decision. Approval as
142 to form does not waive objections to the substance of the order.

143 **(4) Objecting to a proposed order.** A party may object to the form of the proposed
144 order by filing an objection within 7 days after the order is served.

145 **(5) Filing proposed order.** The party preparing a proposed order must file it:

146 (A) after all other parties have approved the form of the order (The party
147 preparing the proposed order must indicate the means by which approval was
148 received: in person; by telephone; by signature; by email; etc.);

149 (B) after the time to object to the form of the order has expired (The party
150 preparing the proposed order must also file a certificate of service of the
151 proposed order.); or

152 (C) within 7 days after a party has objected to the form of the order (The party
153 preparing the proposed order may also file a response to the objection.).

154 **(6) Proposed order before decision prohibited; exceptions.** A party may not file a
155 proposed order concurrently with a motion or a memorandum or a request to
156 submit for decision, but a proposed order must be filed with:

- 157 (A) a stipulated motion;
- 158 (B) a motion that can be acted on without waiting for a response;
- 159 (C) an ex parte motion;
- 160 (D) a statement of discovery issues under Rule [37\(a\)](#); and
- 161 (E) the request to submit for decision a motion in which a memorandum
- 162 opposing the motion has not been filed.

163 **(7) Orders entered without a response; ex parte orders.** An order entered on a

164 motion under paragraph (l) or (m) can be vacated or modified by the judge who

165 made it with or without notice.

166 **(8) Order to pay money.** An order to pay money can be enforced in the same

167 manner as if it were a judgment.

168 **(k) Stipulated motions.** A party seeking relief that has been agreed to by the other

169 parties may file a stipulated motion which must:

170 (1) be titled substantially as: “Stipulated motion [short phrase describing the relief

171 requested]”;

172 (2) include a concise statement of the relief requested and the grounds for the relief

173 requested;

174 (3) include a signed stipulation in or attached to the motion and;

175 (4) be accompanied by a request to submit for decision and a proposed order that

176 has been approved by the other parties.

177 **(l) Motions that may be acted on without waiting for a response.**

178 (1) The court may act on the following motions without waiting for a response:

179 (A) motion to permit an over-length motion or memorandum;

180 (B) motion for an extension of time if filed before the expiration of time;

181 (C) motion to appear pro hac vice; and

182 (D) other similar motions.

183 (2) A motion that can be acted on without waiting for a response must:

184 (A) be titled as a regular motion;

185 (B) include a concise statement of the relief requested and the grounds for the
186 relief requested;

187 (C) cite the statute or rule authorizing the motion to be acted on without waiting
188 for a response; and

189 (D) be accompanied by a request to submit for decision and a proposed order.

190 **(m) Ex parte motions.** If a statute or rule permits a motion to be filed without serving
191 the motion on the other parties, the party seeking relief may file an ex parte motion
192 which must:

193 (1) be titled substantially as: “Ex parte motion [short phrase describing the relief
194 requested]”;

195 (2) include a concise statement of the relief requested and the grounds for the relief
196 requested;

197 (3) cite the statute or rule authorizing the ex parte motion;

198 (4) be accompanied by a request to submit for decision and a proposed order.

199 **(n) Motion in opposing memorandum or reply memorandum prohibited.** A party
200 may not make a motion in a memorandum opposing a motion or in a reply
201 memorandum. A party who objects to evidence in another party’s motion or
202 memorandum may not move to strike that evidence. Instead, the party must include in
203 the subsequent memorandum an objection to the evidence.

204 **(o) Overlength motion or memorandum.** The court may permit a party to file an
205 overlength motion or memorandum upon a showing of good cause. An overlength
206 motion or memorandum must include a table of contents and a table of authorities with
207 page references.

208 **(p) Limited statement of facts and authority.** No statement of facts and legal
209 authorities beyond the concise statement of the relief requested and the grounds for the
210 relief requested required in paragraph (c) is required for the following motions:

- 211 (1) motion to allow an over-length motion or memorandum;
- 212 (2) motion to extend the time to perform an act, if the motion is filed before the time
213 to perform the act has expired;
- 214 (3) motion to continue a hearing;
- 215 (4) motion to appoint a guardian ad litem;
- 216 (5) motion to substitute parties;
- 217 (6) motion to refer the action to or withdraw it from alternative dispute resolution
218 under Rule 4-510.05;
- 219 (7) motion for a conference under Rule 16; and
- 220 (8) motion to approve a stipulation of the parties.

221 ~~**(q) Limit on order to show cause.** An application to the court for an order to show
222 cause shall be made only for enforcement of an existing order or for sanctions for
223 violating an existing order. An application for an order to show cause must be
224 supported by an affidavit sufficient to show cause to believe a party has violated a court
225 order. Nothing in this rule is intended to limit or alter the inherent power of the court to
226 initiate order to show cause proceedings to assess whether cases should be dismissed
227 for failure to prosecute or to otherwise manage the court's docket.~~

228 **Advisory Committee Notes**

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