

Checklist to Ask for a Stay under the Servicemembers Civil Relief Act

- You must complete a form before you file it. These instructions will help you complete the forms.
- If you still have difficulty after reading these instructions, contact the Self-Help Center: <http://www.utcourts.gov/selfhelp/contact/>.
- The judicial services representative cannot complete a form for you.
- Attach a copy of any document referred to in the form.
- Keep a copy of all documents for your records.
- Attend all court hearings.
- Some forms may not apply in your case.
- Check with your court about local requirements.

(1) Motion for Stay

- Print your name and contact information at the top of the first page. Check whether you are:
 - the Plaintiff/Petitioner or Defendant/Respondent;
 - the Attorney for the Plaintiff/Petitioner or Defendant/Respondent; or
 - someone with power of attorney for the service member.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Paragraph (1): Print the date on which you think military service will no longer materially affect the service member's ability to appear in the case. (You are asking that the case be stayed until that date.)
- Paragraph (2): Print the number of times the case has already been stayed. If none, print "0."
- Paragraph (3): Check the box that identifies the person who is signing and filing the motion.
- Paragraph (4): Check the box that describes the service member's active duty.
- Paragraph (5): Check the box that describes when the motion is being filed.
- Paragraph (6): Check the box that describes whether the service member has had notice of this case.
- Paragraph (7): Describe how the service member's active duty materially affects their ability to appear.

- Paragraph (8) is notice to the court that the motion is not an appearance or waiver.
- Do not include any private or protected information on this form. When filed, this form is a public record. [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).
- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form on the other party.
- File the original form and certificate of service with the judicial services representative.

(2) Letter Supporting Stay of Civil Case

- Print the case number and the name of the judge assigned to the case, if you have this information. Both should be on the first page of the complaint or petition, or any other pleading in the case.
- Print the service member's name in the blank.
- The document must be signed by the service member's commanding officer.
- Attach the signed document to the Motion for Stay.

(3) Reply to Statement Opposing Motion (if applicable)

- You may file a Reply to a Statement Opposing the Motion only to disagree with a topic in the Opposing Statement that you didn't mention in your Motion.
- If you file a Reply, you must file and serve it within 7 days after the Opposing Statement is served on you.
- Print your name and contact information at the top of the first page. Check whether you are:
 - the Plaintiff/Petitioner or Defendant/Respondent;
 - the Attorney for the Plaintiff/Petitioner or Defendant/Respondent; or
 - someone with power of attorney for the service member.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Print the number of the paragraph from the Opposing Statement that you disagree with. Quote the statement exactly. Explain why you disagree.
- Omit any private or protected information. When filed, this document is a public record. Code of Judicial Administration [Rule 4-202.09\(9\)](#) requires that you omit from a public record any information that is not itself public information. For a list

of records, data and information classified as public, private, and protected, see [Rule 4-202.02](#).

- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form on the other party.
- File the original form and certificate of service with the judicial services representative.

(4) Request to Submit for Decision

- Do not file the Request to Submit for Decision until after the Reply to Statement Opposing the Motion has been filed or the time for filing has passed. (5 days after the Statement Opposing the Motion was served.)
- Any party may file a Request to Submit for Decision, but do not do so if the other party has already filed one.
- Print your name and contact information at the top of the first page. Check whether you are:
 - the Plaintiff/Petitioner or Defendant/Respondent;
 - the Attorney for the Plaintiff/Petitioner or Defendant/Respondent; or
 - someone with power of attorney for the service member.
- Complete the heading exactly as it appears in the Complaint/Petition.
- If you want to ask for a hearing, check the box next to “hearing requested.” If there is no hearing, the judge will decide the Motion based on the papers that have been filed.
- Complete the entire form.
- Date and sign the form.
- Attach the required documents.
- Complete the Certificate of Service.
- Serve the form on the other party.
- File the original form and certificate of service with the judicial services representative.

(5) Notice of Hearing

- If you have requested a hearing, file the original Notice of Hearing with the Request to Submit for Decision. Otherwise, do not file this form.
- Complete the heading exactly as it appears in the Motion.

- Call the judicial assistant to the judge or commissioner assigned to your case. Schedule the hearing with the assistant and print the date and time of the hearing on the form. Print also the judge's or commissioner's name and courtroom number for the hearing.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form on the other party.
- File the original form with the judicial services representative.

(6) Proposed Findings of Fact, Conclusions of Law, and Order

- The Findings of Fact, Conclusions of Law, and Order might be completed at different times, depending on how the case is decided.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Do not complete the rest of the form unless you are told to do so. Sometimes the judge will prepare the order; sometimes the judge will tell the winning party to prepare the order.
- Attach any required documents or forms.
- If there is a hearing, the judge will decide the issues. Sometimes the judge will prepare the order; sometimes the judge will tell the winning party to prepare the order.
- If you are told to prepare the order, complete all of it except the judge's signature. What you write in the order must agree with what the judge decided.
- Date and sign the proposed order under the phrase: "Approved as to form."
- Serve the order on the other party within 21 days after being told to prepare the order.
- Complete the Certificate of Service.
- File the original order and the Certificate of Service with the judicial services representative within 21 days after being told to prepare the order.
- The other party has 7 days in which to object.

(7) Notice of Order

If you prepared the order, of it the judge says you have to serve the signed order:

- Print your name and contact information at the top of the Notice of Order. Check whether you are:
 - the Plaintiff/Petitioner or Defendant/Respondent;
 - the Attorney for the Plaintiff/Petitioner or Defendant/Respondent; or
 - someone with power of attorney for the service member.
- Complete the heading exactly as it appears in the Complaint/Petition.

- Attach any required documents and forms.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form and attachments on the other party.
- File the original form and attachments with the judicial services representative.

(8) Notice of Withdrawal of Counsel (if applicable)

- This form should be completed by an attorney who is withdrawing from the case. [URCP 74\(a\)](#).
- Print the attorney's name and contact information at the top of the first page. Check whether the attorney is for the Plaintiff/Petitioner or Defendant/Respondent.
- Complete the heading exactly as it appears in the Complaint/Petition.
- Paragraph (1). Print the name and address of the client.
- Check Paragraph (2) if the attorney is withdrawing from a general representation. Make sure the statements are true.
- Check Paragraph (3) if the attorney is withdrawing from a limited appearance. Make sure the statements are true.
- Date and sign the form.
- Complete the Certificate of Service.
- Serve the form on the other party.
- File the form with the judicial services representative.