

Checklist to Oppose Motion to Vacate Stay

- 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) Statement Opposing Motion

- You must file and serve the form within 14 days after the Motion 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.
- Describe why military service continues to materially affect the service members ability to appear.
- 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.

(2) 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. (7 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 or the attorney for the Plaintiff/Petitioner or Defendant/Respondent.
- 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.

(3) 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.

(4) 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.

(5) 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.