

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), made  
15 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 for an order related to a subpoena under Rule 45 must follow Rule 37\(a\). A](#)  
20 ~~request under Rule 45 to quash a subpoena must follow Rule 37(a).~~
- 21 (5) A motion for summary judgment must follow the procedures of this rule as  
22 supplemented by the requirements of Rule [56](#).

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

- 24 (1) The rules governing captions and other matters of form in pleadings apply to  
25 motions and other papers.
- 26 (2) **Caution language.** For all dispositive motions, the motion must include the  
27 following caution language at the top right corner of the first page, in bold type: **This**  
28 **motion requires you to respond. Please see the Notice to Responding Party.**
- 29 (3) **Bilingual notice.** All motions must include or attach the bilingual Notice to  
30 Responding Party approved by the Judicial Council.
- 31 (4) **Failure to include caution language and notice.** Failure to include the caution  
32 language in paragraph (c)(2) or the bilingual notice in paragraph (c)(3) may be

33 grounds to continue the hearing on the motion, or may provide the non-moving party  
34 with a basis under Rule 60(b) for excusable neglect to set aside the order resulting  
35 from the motion. Parties may opt out of receiving the notices set forth in paragraphs  
36 (c)(2) and (c)(3) while represented by counsel.

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

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

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

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

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

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

50 (1) A nonmoving party may file a memorandum opposing the motion within 14 days  
51 after the motion is filed. The nonmoving party must title the memorandum  
52 substantially as: "Memorandum opposing motion [short phrase describing the relief  
53 requested]." The memorandum must include under appropriate headings and in the  
54 following order:

55 (A) a concise statement of the party's preferred disposition of the motion and the  
56 grounds supporting that disposition;

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

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

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

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

65 (1) Within 7 days after the memorandum opposing the motion is filed, the moving  
66 party may file a reply memorandum, which must be limited to rebuttal of new matters

67 raised in the memorandum opposing the motion. The moving party must title the  
68 memorandum substantially as “Reply memorandum supporting motion [short  
69 phrase describing the relief requested].” The memorandum must include under  
70 appropriate headings and in the following order:

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

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

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

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

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

83 **(f) Objection to evidence in the reply memorandum; response.** If the reply  
84 memorandum includes an objection to evidence, the nonmoving party may file a  
85 response to the objection no later than 7 days after the reply memorandum is filed. If the  
86 reply memorandum includes evidence not previously set forth, the nonmoving party  
87 may file an objection to the evidence no later than 7 days after the reply memorandum is  
88 filed, and the moving party may file a response to the objection no later than 7 days after  
89 the objection is filed.

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

95 (1) the motion;

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

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

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

99 **(h) Hearings.** The court may hold a hearing on any motion. A party may request a  
100 hearing in the motion, in a memorandum or in the request to submit for decision. A

101 request for hearing must be separately identified in the caption of the document  
102 containing the request. The court must grant a request for a hearing on a motion  
103 under Rule 56 or a motion that would dispose of the action or any claim or defense in the  
104 action unless the court finds that the motion or opposition to the motion is frivolous or  
105 the issue has been authoritatively decided. A motion hearing may be held remotely,  
106 consistent with the safeguards in Rule 43(b).

107 **(i) Notice of supplemental authority.** A party may file notice of citation to significant  
108 authority that comes to the party's attention after the party's motion or memorandum has  
109 been filed or after oral argument but before decision. The notice must state the citation to  
110 the authority, the page of the motion or memorandum or the point orally argued to which  
111 the authority applies, and the reason the authority is relevant. Any other party may  
112 promptly file a response, but the court may act on the motion without waiting for a  
113 response.

114 **(j) Orders.**

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

118 **(2) Preparing and serving a proposed order.** Within 14 days of being directed by the  
119 court to prepare a proposed order confirming the court's decision, a party must serve  
120 the proposed order on the other parties for review and approval as to form. If the  
121 party directed to prepare a proposed order fails to timely serve the order, any other  
122 party may prepare a proposed order confirming the court's decision and serve the  
123 proposed order on the other parties for review and approval as to form.

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

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

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

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

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

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

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

141 (A) a stipulated motion;

142 (B) a motion that can be acted on without waiting for a response;

143 (C) an ex parte motion;

144 (D) a statement of discovery issues under Rule [37\(a\)](#); and

145 (E) the request to submit for decision a motion in which a memorandum opposing  
146 the motion has not been filed.

147 **(7) Orders entered without a response; ex parte orders.** An order entered on a motion  
148 under paragraph (l) or (m) can be vacated or modified by the judge who made it with  
149 or without notice.

150 **(8) Order to pay money.** An order to pay money can be enforced in the same manner  
151 as if it were a judgment.

152 **(k) Stipulated motions.** A party seeking relief that has been agreed to by the other parties  
153 may file a stipulated motion which must:

154 (1) be titled substantially as: “Stipulated motion [short phrase describing the relief  
155 requested]”;

156 (2) include a concise statement of the relief requested and the grounds for the relief  
157 requested;

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

159 (4) be accompanied by a request to submit for decision and a proposed order that has  
160 been approved by the other parties.

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

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

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

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

165 (C) motion to appear pro hac vice;

166 (D) motion for Rule 16 conference;

167 (E) motion to strike a document filed by a vexatious litigant in violation of rule  
168 83(d);

169 (F) motion to appear remotely; and

170 ~~(E)~~(G) other similar motions.

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

172 (A) be titled as a regular motion;

173 (B) include a concise statement of the relief requested and the grounds for the relief  
174 requested;

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

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

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

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

183 (2) include a concise statement of the relief requested and the grounds for the relief  
184 requested;

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

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

187 **(n) Motion in opposing memorandum or reply memorandum prohibited.** A party may  
188 not make a motion in a memorandum opposing a motion or in a reply memorandum. A  
189 party who objects to evidence in another party’s motion or memorandum may not move  
190 to strike that evidence. Instead, the party must include in the subsequent memorandum  
191 an objection to the evidence.

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

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

199 (1) motion to allow an over-length motion or memorandum;

- 200 (2) motion to extend the time to perform an act, if the motion is filed before the time  
 201 to perform the act has expired;
- 202 (3) motion to continue a hearing;
- 203 (4) motion to appoint a guardian ad litem;
- 204 (5) motion to substitute parties;
- 205 (6) motion to refer the action to or withdraw it from alternative dispute resolution  
 206 under Rule 4-510.05;
- 207 (7) motion for a conference under Rule 16; and
- 208 (8) motion to approve a stipulation of the parties.

209 **(q) Length of Filings.**

- 210 (1) Unless one of the following filings complies with the page limits set forth below,  
 211 it must comply with the corresponding word limits:

Type of Filing	Page Limit	Word Limit
Motion for Relief Authorized by Rule 12(b), 12(c), 56, or 65A	25	9,000
All Other Motions	15	5,400
Memorandum Opposing Motion Authorized by Rule 12(b), 12(c), 56, or 65A	25	9,000
Memorandum Opposing All Other Motions	15	5,400
Reply Memorandum Supporting Motion for Relief Authorized by Rule 12(b), 12(c), 56, or 65A	15	5,400
Reply Memorandum Supporting All Other Motions	10	3,600
Objection and Response under Rule 7(f)	3	1,100
Notice of Supplemental Authority and Response under Rule 7(i)	2	700
Statement of Discovery Issues and Objection under Rule 37(a)(2) and 37(a)(3)	4	1,500

- 212 (2) The word and page limits in this rule exclude the following: caption, table of  
 213 contents, table of authorities, signature block, certificate of service, certification,  
 214 exhibits, and attachments.

215 (3) Any filer relying on the word limits in this rule must include a certification that  
216 the document complies with the applicable word limit and must state the number of  
217 words in the document.

218

219 Effective May 1, 2023