

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 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: **This
27 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 party

33 with a basis under Rule 60(b) for excusable neglect to set aside the order resulting
34 from the motion. Parties may opt out of receiving the notices set forth in paragraphs
35 (c)(2) and (c)(3) while represented by counsel.

36 (5) **Title of motion.** The moving party must title the motion substantially as: “Motion
37 [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 (7) If the moving party cites documents, interrogatory answers, deposition testimony,
46 or other discovery materials, relevant portions of those materials must be attached to
47 or submitted with the motion.

48 ~~(8) **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 days
55 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 opposing~~
71 ~~memoranda may not exceed 15 pages, not counting the attachments, unless a longer~~
72 ~~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 matters
76 raised in the memorandum opposing the motion. The moving party must title the
77 memorandum substantially as "Reply memorandum supporting motion [short
78 phrase describing the relief requested]." The memorandum must include under
79 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 opposing
84 party's statement of facts and argument citing authority rebutting the new matter;

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

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

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

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

97 **(f) Objection to evidence in the reply memorandum; response.** If the reply
98 memorandum includes an objection to evidence, the nonmoving party may file a
99 response to the objection no later than 7 days after the reply memorandum is filed. If the

100 reply memorandum includes evidence not previously set forth, the nonmoving party
101 may file an objection to the evidence no later than 7 days after the reply memorandum is
102 filed, and the moving party may file a response to the objection no later than 7 days after
103 the objection is filed. ~~The objection or response may not be more than 3 pages.~~

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

109 (1) the motion;

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

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

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

113 **(h) Hearings.** The court may hold a hearing on any motion. A party may request a
114 hearing in the motion, in a memorandum or in the request to submit for decision. A
115 request for hearing must be separately identified in the caption of the document
116 containing the request. The court must grant a request for a hearing on a motion
117 under Rule [56](#) or a motion that would dispose of the action or any claim or defense in the
118 action unless the court finds that the motion or opposition to the motion is frivolous or
119 the issue has been authoritatively decided. A motion hearing may be held remotely,
120 consistent with the safeguards in Rule 43(b).

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

129 **(j) Orders.**

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

133 **(2) Preparing and serving a proposed order.** Within 14 days of being directed by the
134 court to prepare a proposed order confirming the court’s decision, a party must serve

135 the proposed order on the other parties for review and approval as to form. If the
136 party directed to prepare a proposed order fails to timely serve the order, any other
137 party may prepare a proposed order confirming the court's decision and serve the
138 proposed order on the other parties for review and approval as to form.

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

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

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

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

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

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

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

156 (A) a stipulated motion;

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

158 (C) an ex parte motion;

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

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

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

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

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

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

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

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

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

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

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

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

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

180 (C) motion to appear pro hac vice;

181 [\(D\) motion for Rule 16 conference;](#) and

182 ~~(D)~~[\(E\)](#) 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 relief
186 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 the
191 motion on the other parties, the party seeking relief may file an ex parte motion which
192 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 may
200 not make a motion in a memorandum opposing a motion or in a reply memorandum. A
201 party who objects to evidence in another party’s motion or memorandum may not move
202 to strike that evidence. Instead, the party must include in the subsequent memorandum
203 an objection to the evidence.

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

208 **(p) Limited statement of facts and authority.** No statement of facts and legal authorities
209 beyond the concise statement of the relief requested and the grounds for the relief
210 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) Length of Filings.**

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

<u>Type of Filing</u>	<u>Page Limit</u>	<u>Word Limit</u>
<u>Motion for Relief Authorized by Rule 12(b), 12(c), 56, or 65A</u>	<u>25</u>	<u>9,000</u>
<u>All Other Motions</u>	<u>15</u>	<u>5,400</u>
<u>Memorandum Opposing Motion Authorized by Rule 12(b), 12(c), 56, or 65A</u>	<u>25</u>	<u>9,000</u>

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

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

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

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232 Effective ~~May 1, 2021~~

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