

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 writing unless
11 made during a hearing or trial, must state the relief requested, and must state the grounds for the
12 relief requested. Except for the following, a motion must be made in accordance with this rule.

- 13 (1) A motion, other than a motion described in paragraphs (b)(2), (b)(3) or (b)(4), made in
14 proceedings before a court commissioner must follow Rule [101](#).
- 15 (2) A request under [Rule 26](#) for extraordinary discovery must follow Rule [37\(a\)](#).
- 16 (3) A request under Rule [37](#) for a protective order or for an order compelling disclosure or
17 discovery—but not a motion for sanctions—must follow Rule [37\(a\)](#).
- 18 (4) A request under Rule [45](#) to quash a subpoena must follow Rule [37\(a\)](#).
- 19 (5) A motion for summary judgment must follow the procedures of this rule as supplemented
20 by the requirements of Rule [56](#).

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

- 22 (1) The rules governing captions and other matters of form in pleadings apply to motions and
23 other papers.
- 24 (2) **Caution language.** For all dispositive motions, the motion must include the following
25 caution language at the top right corner of the first page, in bold type: **This motion requires
26 you to respond. Please see the Notice to Responding Party.**
- 27 (3) **Bilingual notice.** All motions must include or attach the bilingual Notice to Responding
28 Party approved by the Judicial Council.
- 29 (4) **Failure to include caution language and notice.** Failure to include the caution language
30 in paragraph (c)(2) or the bilingual notice in paragraph (c)(3) may be grounds to continue the
31 hearing on the motion, or may provide the non-moving party with a basis under Rule 60(b) for
32 excusable neglect to set aside the order resulting from the motion. Parties may opt out of
33 receiving the notices set forth in paragraphs (c)(2) and (c)(3) while represented by counsel.

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

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

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

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

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

44 (8) **Length of motion.** If the motion is for relief authorized by Rule [12\(b\)](#) or [12\(c\)](#), Rule [56](#) or
45 Rule [65A](#), the motion may not exceed 25 pages, not counting the attachments, unless a longer
46 motion is permitted by the court. Other motions may not exceed 15 pages, not counting the
47 attachments, unless a longer motion is permitted by the court.

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

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

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

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

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

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

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

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

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

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

- 73 (A) a concise statement of the new matter raised in the memorandum opposing the motion;
- 74 (B) one or more sections that include a concise statement of the relevant facts claimed by
75 the moving party not previously set forth that respond to the opposing party’s statement of
76 facts and argument citing authority rebutting the new matter;
- 77 (C) objections to evidence in the memorandum opposing the motion, citing authority for
78 the objection; and
- 79 (D) response to objections made in the memorandum opposing the motion, citing authority
80 for the response.

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

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

88 **(f) Objection to evidence in the reply memorandum; response.** If the reply memorandum
89 includes an objection to evidence, the nonmoving party may file a response to the objection no
90 later than 7 days after the reply memorandum is filed. If the reply memorandum includes evidence
91 not previously set forth, the nonmoving party may file an objection to the evidence no later than 7
92 days after the reply memorandum is filed, and the moving party may file a response to the objection
93 no later than 7 days after the objection is filed. The objection or response may not be more than 3
94 pages.

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

99 (1) the motion;

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

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

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

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

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

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

117 **(j) Orders.**

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

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

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

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

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

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

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

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

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

143 (A) a stipulated motion;

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

145 (C) an ex parte motion;

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

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

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

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

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

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

157 (2) include a concise statement of the relief requested and the grounds for the relief 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 been
160 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 to strike a document filed by a vexatious litigant in violation of Rule 83\(d\); and](#)

167 [\(E\) motion to appear remotely; and](#)

168 ~~(F)~~ other similar motions.

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

170 (A) be titled as a regular motion;

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

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

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

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

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

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

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

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

182 **(n) Motion in opposing memorandum or reply memorandum prohibited.** A party may not
183 make a motion in a memorandum opposing a motion or in a reply memorandum. A party who
184 objects to evidence in another party’s motion or memorandum may not move to strike that
185 evidence. Instead, the party must include in the subsequent memorandum an objection to the
186 evidence.

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

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

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

194 (2) motion to extend the time to perform an act, if the motion is filed before the time to perform
195 the act has expired;

196 (3) motion to continue a hearing;

197 (4) motion to appoint a guardian ad litem;

198 (5) motion to substitute parties;

199 (6) motion to refer the action to or withdraw it from alternative dispute resolution under Rule
200 4-510.05;

201 (7) motion for a conference under Rule [16](#); and

202 (8) motion to approve a stipulation of the parties.

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