

SPMcrRLJ 8.2  
MOTIONS

(a) Calendar Settings.

All motions shall be initiated and scheduled by filing a court-approved "Motion" form with the court clerk.

(b) Dispositive Motions and Motions to Suppress Evidence.

Dispositive Motions and Motions to Suppress shall be filed and served at least three (3) weeks prior to the hearing and heard not later than one (1) week before the case is set for trial. The responding party shall file and serve any responding brief or memoranda one (1) week prior to Motion Hearing. Provided, however, that the Court may waive this requirement if due diligence has been shown or justice otherwise requires. It is the duty of the moving party to notify the assigned Judge by noon of the day prior to the motion day if oral testimony is required and estimated length of time required for the Motion. This rule does not authorize oral testimony when the facts can be adequately presented by affidavit and other documentary evidence.

(c) Agreed Orders - Criminal Cases.

Agreed Orders may be presented ex parte for approval or denial by any Judge or Commissioner. Submitted orders that are denied must be noted on the Order and initialed by the judicial officer making that decision.

(d) Copies of Motions, Memoranda and Affidavits.

A copy of the motion, brief, memorandum, documents and affidavits shall be furnished to the Judge after the originals have been filed. Responding briefs, memoranda, and other documents shall also be filed with the Clerk, and copies furnished to the assigned Judge. Working copies may be delivered to the Judicial Secretary by hard copy or email in Microsoft Word or Adobe Acrobat format. Working copies must contain a notation in the caption with the date of the motion and the notation "Working Copy." Failure to comply with this requirement may result in a continuance and imposition of terms.

(e) Motion Hearing Procedure.

Oral argument on motions shall be limited to ten (10) minutes for each side unless the Judge determines otherwise, in which case the motion may be placed at the end of the calendar.

(f) Reconsideration of Motions.

A motion for reconsideration shall be clearly labeled. Motions for Reconsideration may not simply re-argue the original motion, but must allege a change in law or circumstances that would materially affect the court's prior decision on the motion and may be summarily denied. A response to a motion for reconsideration may be filed, but is not required unless requested by the court. The request will set a time when the response is due, and may limit the response to particular issues or points raised by the motion.

(Adopted Jan. 2, 2009; amended effective Sept. 1, 2011.)

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