

LCR 7.
MOTIONS

(a) Time Limits. (1) Length of hearing. Civil and domestic/family law and motion dockets are limited to matters requiring no more than ten minutes per side. Matters expected to exceed that limitation must be specially set by the court administrator.

(2) Responsive declarations. In matters on the domestic and family docket, the paternity docket, and the civil docket, responsive declarations must be served and filed by 4:30 p.m. two (2) calendar days prior to the docket, unless the court expressly permits later service and/or filing. For example, for matters that are scheduled to be heard on a Friday docket, responsive declarations must be served and filed no later than 4:30 p.m. on Wednesday preceding the Friday docket.

(3) Motions for Temporary Orders in Family Law Proceedings. Any party may file a motion for temporary orders pending trial.

(a) Form of pleadings, basis and limitations.

(i) Form. All documents and copies provided shall be legible. If typed, documents shall be in 12 point or larger type, 1.5 spaced between the lines and conform to GR 14. Mandatory forms shall be used.

(ii) Basis. Evidence, including written evidence in affidavits and declarations by the parties and witnesses, must comply with the rules of evidence.

(iii) Children's Statements. Declarations by minors are disfavored.

(iv) Page Limitations. Absent prior authorization of the court, the entirety of all declarations and affidavits from the parties and non-expert witnesses in support of motions (except financial declarations, financial documents and sealed source documents), shall be limited to a sum total of twenty (20) pages.

The entirety of all declarations and affidavits submitted in response to motions shall not exceed twenty (20) pages.

The entirety of all declarations and affidavits submitted in reply to the response shall not exceed ten (10) pages.

Exhibits to any declarations shall count toward the above page limits.

Declarations, affidavits and reports from the Family Court Investigator, GAL, CPS or law enforcement shall not count toward the page limit. Declarations in support of Parenting Plans shall not count toward the page limit but shall not exceed three (3) pages.

(v) Violations of this rule. If the Court finds that one or more of the parties violated this rule, the Court may, in its discretion, assess terms, strike or continue the matter, or refuse to consider the materials that violate this rule.

(b) Noting Matters on Motion Dockets. Except as otherwise provided in this section, or with leave of the judicial officer presiding on the docket, matters to be heard on a motion docket must be noted with the clerk five days prior to the docket. If the judicial officer assigned to hear a docket is unavailable, another judge may consider and grant an ex parte motion for order shortening time to note a matter on a docket.

(c) Required Special Settings. The following matters may not be noted on the court's regular dockets, but must be specially set with the court administrator: motions for summary judgment; arguments on the merits in appeals from lower courts or tribunals; child hearsay (Ryan) hearings.

Once a time and date for a special setting are obtained from the court administrator, the moving party must file and serve a notice of the setting in the same manner in which motions are noted for regular dockets.

(d) Telephonic argument. Arguments on motions are to be conducted in person, except that, by specific arrangement with the court administrator at least two days before a hearing, argument may be made by telephone, Provided, (1) that all parties agree to telephonic argument; (2) that the judicial officer before whom the hearing will be conducted approves of telephonic argument. A party may withhold agreement to telephonic argument only for reasonable, articulable cause.

For good cause shown, on motion of a party, the court may order telephonic argument of a motion in the absence of such agreement. A motion to require telephonic argument shall itself be argued by telephone unless all affected parties are before the court when the motion is made.
