LCR NO. 7

PLEADINGS ALLOWED; FORM OF MOTIONS

A. Motions and other papers

1. How Made

Reapplication for order. When an order has been applied for and refused in whole or in part (unless without prejudice), or has been granted conditionally and the condition has not been performed, the same application for an order shall not be presented to another Judge or Commissioner. If a subsequent application is made upon a different statement of facts or law, it shall be shown by affidavit or certified statement what application was made, when and to what Judge or Commissioner, what order or decision was made thereon; and what new facts or law are claimed to be shown.

Failure to comply with this requirement shall, at the request of an opposing party or counsel, result in any order thus obtained being set aside and terms assessed against the counsel or party obtaining the order.

2. Form

All motions and responses or replies thereto shall be in writing, shall be typewritten, or hand printed and shall be presented on paper 8-1/2 by 11 inches in size, on paper containing a vertical line of numbers at the left margin, and shall be double spaced. No pleadings shall be filed or presented which are hand written in cursive form, unless a typed or hand printed version of such pleading is attached to such pleading. The court shall not consider any hand written or cursive pleading without such a typed or hand printed version attached, for any purpose.

3. Required Provisions in Orders Mandating Personal Appearance

In all proceedings wherein an order is to be issued requiring or mandating the personal attendance of a person or a party in open court, the order shall include the following words in capital letters:

YOUR FAILURE TO APPEAR AS ABOVE SET FORTH AT THE TIME, DATE AND PLACE STATED MAY CAUSE THE COURT TO ISSUE A BENCH WARRANT FOR YOUR APPREHENSION AND CONFINEMENT IN JAIL UNTIL SUCH TIME AS THE MATTER CAN BE HEARD OR UNTIL BAIL IS POSTED.

No bench warrant shall be issued in such cases for the

apprehension of the cited person if such language has been omitted.

4. Failure to Appear

If the party noting a motion fails to appear for the scheduled hearing, and the opposing party appears, the motion shall be denied or stricken. If the moving party appears and the opposing party does not appear the requested relief shall be granted, if warranted. If neither the moving nor the responding party appears, the motion shall be stricken.

5. Motions For Reconsideration

A. Motions for reconsideration of rulings and all pleadings and documents in support thereof, must be filed and served on opposing counsel, or the opposing party, if unrepresented, and a copy delivered to the Judge or Commissioner making the ruling, within ten (10) days after entry of the judgment or order. Such pleadings shall set forth specific grounds for the reconsideration, and the arguments and authorities in support thereof.

B. The opposing party may, within ten (10) days after receipt of the motion, file and serve on the moving party, and the Judge or Commissioner making the ruling, pleadings and documents in opposition.

C. Each party shall prepare and include in the materials submitted, a proposed order sustaining their respective position on such motion.

D. Oral argument on a motion for reconsideration shall be scheduled only if so ordered by the Judge or Commissioner to whom the motion is submitted. In no case shall a motion for reconsideration be noted for hearing on the motion calendar unless ordered by the Judge or Commissioner to whom the matter has been submitted. Twenty days after a motion for reconsideration has been submitted and served upon the parties or their counsel as provided for in this rule, and no ruling has been made, either party may submit to the Judge or Commissioner a certification that the matter is ready for a ruling on the motion for reconsideration.

B. Filing of Documents

1. Filing: Case Numbers

Except in consolidated cases, no documents shall be filed with more than one case number, unless sufficient copies are simultaneously provided for each case. Where there are multiple case numbers and no copies provided, the clerk shall place the documents only in the first case number designated.

(effective September 1, 2001)