LCRLJ 40. ASSIGNMENT OF CASES

(b) Methods.

(1) Note for Trial Setting. Any party desiring to bring any issue to trial may note the matter on the civil motion calendar. The Court Administrator shall schedule all trial dates. The party desiring to set a civil case for trial shall file with the Court and serve upon the opposing party a Note for Trial Setting which will include not less than three (3) proposed dates during which the matter can be tried. If any of these proposed dates are satisfactory to the opposing party, he or she will notify the Court Administrator within five (5) days of receiving the Note for Trial Setting and trial shall be set for that date.

(2) Attendance at Trial Setting - Contested Setting. If setting of trial date is contested, the trial setting shall be presented to the court for assignment of trial date.

(3) Stipulation for Trial Date. At any time that all counsel can agree on an available trial date from the calendar, they can indicate their agreement to the clerk of the court on the Note of Trial Setting form.

(4) Priority Setting. To obtain a priority civil setting, the requesting party shall note the matter for trial setting, as set out above, indicating that a priority setting is requested. Any priority setting shall be supported by an affidavit which sets out the basis for the request. No case shall be set as a priority without court order.

(5) When a case is not tried on the date set, the parties are responsible for renoting the matter for trial setting.

(e) Continuances.

(1) Trials - Written Motion. All requests for a continuance shall be presented by written motion and affidavit after notice to the opposing party or by stipulation and agreed order. If there is no agreement by the parties, the court will grant a continuance only upon a showing of good cause. Twenty-four (24) hours prior notice to the opposing party will meet the requirements of this subsection. Except where the case has been preempted or where the order of continuance recites the new trial date, no case will be reset until the order of continuance has been filed.

(2) Good Cause. The following shall be examples of good cause:

(i) Illness.
(ii) Unavoidable, unforeseen conflicts.
(iii) Unforeseen unavailability of witnesses.
(iv) Lack of discovery when caused by the opposing party's conduct or newly discovered evidence requiring investigation.

(3) Payment of Terms and Costs. If a continuance is granted it shall be upon the condition that the moving party shall pay all appropriate costs and terms reflecting inconvenience to others occasioned by the continuance.

(4) Emergency Suspension. The court may, in cases of emergency, suspend the requirements set forth in this rule and require such verification as is reasonable.

(g) Motion Setting - Civil.

(1) Filing Note for Hearing. The Note for Hearing - Issue of Law must be served and filed no later than ten (10) days prior to the hearing (CRLJ 6 and CRLJ 40). Any responding documents must be served and filed at least seven (7) days before the hearing. Reply documents must be served and filed at least two (2) days before the hearing. In the event a motion, or one continued from a prior date, is to be argued, counsel for the moving party shall notify the District Court Civil Clerk by 12:00 Noon, two (2) days before the hearing. Failure to comply with the provisions of this rule shall result in the motion being stricken from the motion calendar.

(2) Motion Setting - Summary Judgment. Motion for summary judgment and dismissal must be served and filed at least twelve (12) days prior to the hearing (CRLJ 56) and heard at least two (2) weeks prior to the date the case is set for trial. The motion shall be set in accordance with the provisions of paragraph (b) above; and a continuance may be granted only in accordance with the provisions of paragraph

(e) above.

(3) Filings of Motions. Memoranda and Affidavits - General. The moving party shall file with the Note for Hearing-Issue of Law form, the following: The motion being noted, all supporting affidavits and documentary evidence, and a brief memorandum of authorities, unless the legal position is fully and adequately covered by the "authorities" section of the issue of Law form. If the responding party files a response to the issue of law, or any counter-affidavits, briefs, or memoranda of authorities, such document must be served and filed no later than five

(5) days before the hearing. The responding party must also file any pleading to which the motion is directed. Failure to timely comply with these filing requirements may result in a continuance or the motion being stricken from the calendar and imposition of terms.

(4) Length of Memoranda. Memoranda relating to motions shall not exceed fifteen (15) pages. Attached copies of foreign and federal decisions are not included in the fifteen (15) page limitation. Waiver of page limitations may be granted only upon motion demonstrating good cause which may be heard ex parte.

(5) Copies of Motions, Memoranda and Affidavits. A copy of the motion, brief, memorandum, documents and affidavit shall

be furnished to the Clerk at the time of filing for delivery to the assigned Judge for preparation. Responding briefs, memoranda and other documents shall be filed with copies provided for the preparation of the assigned Judge. Failure to comply with this requirement may result in a continuance and imposition of terms.

(6) Motion Hearing Procedures. 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.