

Rule 27. Motions.

(a) In General.

(1) Application for Relief. An application for an order or other relief is made by motion unless these rules prescribe another form. A motion must be in writing unless the court permits otherwise.

(2) Who May File. Any party may file a motion, but when represented by counsel, an individual party may not file a motion or pleading except for a motion to discharge or vacate the appointment of counsel. The Clerk will transmit that motion to counsel of record for that party.

(3) Contents of a Motion.

(A) Grounds and relief sought. A motion must state with particularity the grounds for the motion, the relief sought, and the legal argument necessary to support it.

(B) Accompanying documents.

(i) Any affidavit or other paper necessary to support a motion must be served and filed with the motion.

(ii) An affidavit must contain only factual information, not legal argument.

(iii) A motion seeking substantive relief must include a copy of the trial court's opinion or agency's decision as a separate exhibit.

(C) Documents barred or not required.

(i) A separate brief supporting or responding to a motion must not be filed.

(ii) A notice of motion is not required.

(iii) A proposed order is not required.

(4) Response.

(A) Time to file. Any party may file a response to a motion; Rule 27 (a)(3) governs its contents. The response must be filed within 7 calendar days after service of the motion unless the court shortens or extends the time. A motion authorized by Rules 8, 9, 18, or 41 may be granted before the 7-day period runs only if the court gives reasonable notice to the parties that it intends to act sooner.

(B) Request for affirmative relief. A response may include a motion for affirmative relief. The time to respond to the new motion, and to reply to that response, are governed by Rule 27 (a)(4)(A) and (a)(5). The title of the response must alert the court to the request for relief.

(5) Reply to Response. Any reply to a response must be filed within 3 days after service of the response. A reply must not present matters that do not relate to the response.

(6) Other Pleadings. No further pleadings may be filed except with the court's permission and for extraordinary cause.

(b) Motion for a Procedural Order.

(1) Defined. A motion for a procedural order is one that does not substantially affect the rights of the parties or the ultimate disposition of the appeal. Such motions include, but are not limited to:

(A) motions for extensions of time;

(B) motions to exceed the page limits of briefs or motions;

(C) motions to supplement the record;

(D) motions to consolidate;

(E) motions for oral argument or to submit without oral argument;

(F) motions for remand of the record; and,

(G) motions to substitute parties.

(2) Time for Filing.

(A) A motion to consolidate must be filed promptly after the moving party becomes aware of grounds for consolidation.

(B) All other procedural motions may be filed at any time.

(3) Disposition Before Response Time. The court may act upon, or the Clerk if authorized may grant, motions for procedural orders at any time without awaiting a response. A party adversely affected by an order of the Clerk so entered may file a motion to reconsider, vacate, or modify that action. The Clerk will submit any such motion to the Chief Judge. A timely opposition filed after a motion is granted in whole or in part does not constitute a request to reconsider, vacate or modify the disposition; a motion requesting that relief must be filed within 10 calendar days after the order is entered on the docket.

(4) Statement of Consent or Opposition; Service. A party filing a motion for a procedural order must, before filing the motion, attempt to secure the consent of each party and attempt to determine if an opposition or response will be filed. The movant must state at the beginning of the motion whether the motion is unopposed, whether an opposition will be filed, or whether it was impossible to contact one or more of the parties. In calendared, emergency, and expedited

cases, if the movant states that an opposition will be filed or if the movant is unable to contact any other party, the movant must personally serve the motion on the other parties.

(c) Motions for Summary Affirmance or Reversal. The filing of a motion for summary affirmance or reversal will stay the briefing schedule unless otherwise ordered by the court. If a memorandum of law was previously filed in the Superior Court, it may be attached as an appendix to the motion. Responsive pleadings may be filed pursuant to the provisions of section (a) of this rule. A cross-motion for summary disposition may be filed in lieu of a response to a motion for summary disposition. If counsel deems it appropriate, a statement may be included in the motion or responsive pleading indicating that the motion or responsive pleading may be treated as the brief of the party if the court denies the motion or defers consideration on the merits.

(d) Form of Papers; Page Limits; Number of Copies; Citations; Disclosure Statement and Calendared Cases.

(1) Format.

(A) Reproduction. A motion, response, or reply may be reproduced by any process that yields a clear black image on light paper. The paper must be opaque and unglazed. Only one side of the paper may be used.

(B) Cover. A cover is not required but there must be a caption that includes the case number, the title of the case, and a brief descriptive title indicating the purpose of the motion and identifying the party or parties for whom it is filed.

(C) Binding. The document must be bound in any manner that is secure, does not obscure the text, and permits the documents to lie reasonably flat when open.

(D) Paper size, line spacing, margins, and font size. The document must be on 8-1/2 by 11 inch paper. The text must be double spaced, but quotations more than two lines long may be indented and single-spaced. Headings and footnotes may be single-spaced. The font size, including footnotes, must be 12-point or larger, preferably in Times New Roman or Courier New typeface. Margins must be at least one inch on all four sides. Page numbers may be placed in the margins, but no text may appear there.

(2) Page Limits. A motion or a response to a motion must not exceed 20 pages, exclusive of accompanying documents authorized by Rule 27 (a)(3)(B), unless the court permits or directs otherwise. A reply to a response must not exceed 10 pages.

(3) Number of Copies. An original and 3 copies must be filed unless en banc consideration is requested; then an original and 9 copies must be filed.

(4) Citations in Motions. The provisions of Rule 28 (g), governing citations in briefs, apply to citations in motions and all other papers filed with the court.

(5) Disclosure Statement. A motion must include a disclosure statement if one is required by Rule 26.1.

(6) Calendared Cases. Once a case has been placed on the calendar for disposition by a merits division, any motion, response, or reply must note on the front page, directly under the appeal number and in bold print, that the matter has been calendared, argued, or submitted and the date of the argument or submission.

(e) Oral Argument. A motion will be decided without oral argument unless the court orders otherwise.

(f) Clerk May Refuse to File. If a motion does not conform to the rules or is not legible, the Clerk may refuse to file it.