

Rule 13. Motions

(a) IN GENERAL. When a motion depends on facts not apparent in the record, the motion must be in writing and must include or be accompanied by a statement of points and authorities containing the facts and legal arguments on which the motion is based. The movant may support the motion with affidavits or other forms of sworn testimony, and the court may require the submission of evidence.

(b) FILING; NOTICE.

(1) *Self-Represented Parties*. Parties not represented by counsel must file all written motions in the clerk's office with necessary copies. The clerk must send notice of the motion to the opposing party, noting the date and method of service of the notice on the record.

(2) *Parties Represented by Counsel*. All parties represented by counsel must serve all written motions in accordance with Civil Rule 5. Beneath the certificate of service, the original motion and each copy must include the following statement: "THIS MOTION HAS BEEN SET FOR HEARING IN SMALL CLAIMS COURT ON _____ AT _____," inserting a date and time set by the clerk.

(c) SUMMARY JUDGMENT. Any party seeking to recover on or defend against a claim or counterclaim may file, at any time after the appearance date indicated in the summons, a motion for summary judgment on all or part of the claim or counterclaim in accordance with Civil Rule 56.

COMMENT TO 2018 AMENDMENTS

This rule has been amended consistent with the stylistic changes to the civil rules. This rule has also been amended to eliminate the automatic requirement for filing an affidavit or sworn testimony with a motion, but the court may still require it.