

## **RULE CV-7. PLEADINGS ALLOWED; FORM OF MOTIONS**

**(a) Generally.** Unless made during a hearing or trial, a pleading, motion, or other submission must meet the requirements of Rule CV-10.

**(b) Leave to File.** When a motion for leave to file a pleading, motion, or other submission is required, an executed copy of the proposed pleading, motion, or other submission shall be filed as an exhibit to the motion for leave. Unless otherwise ordered, if the motion for leave is granted, the clerk shall promptly file the pleading, motion, or other submission. After leave is granted, any applicable time limits triggered by the pleading, motion, or other submission shall run from the filing of the pleading, motion, or other submission by the clerk or otherwise.

**(c) Dispositive Motion Defined.** For purposes of this rule, a “dispositive motion” is a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment or partial summary judgment, a motion for new trial, or a motion for judgment as a matter of law.

### **(d) Motions.**

(1) Generally. Legal authorities supporting any motion must be cited in the motion. An appendix may be filed with the motion specifying any factual basis relied upon. If filed, the appendix must include all affidavits, deposition transcripts, or other documents supporting the relied upon facts. All motions must state the grounds therefor and cite any applicable rule, statute, or other authority, if any, justifying the relief sought.

(2) Motions Not Requiring Citation of Legal Authorities. Legal authorities are not required to be cited in any of the following motions:

- (a) for extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed, or as extended by previous orders;
- (b) to continue a pretrial conference hearing or motion or the trial of an action;
- (c) for a more definite statement;
- (d) to join additional parties;
- (e) to amend pleadings;
- (f) to file supplemental pleadings;
- (g) to appoint next friend or guardian ad litem;
- (h) to intervene;
- (i) for substitution of parties;
- (j) relating to discovery including but not limited to motions for the production and inspection of documents, specific objections to interrogatories, motions to compel answers or further answers to interrogatories, and motions for physical or mental examination;
- (k) to stay proceedings to enforce judgment;
- (l) joint motions to dismiss;
- (m) to withdraw as counsel;
- (n) for mediation or other form of alternative dispute resolution; and
- (o) for approval of an agreed protective order.

(3) **Page Limits.** Unless otherwise authorized by the court, a dispositive motion is limited to 20 pages and a nondispositive motion is limited to 10 pages. These page limits are exclusive of the caption, signature block, any certificate, and accompanying documents.

**(e) Responses.**

(1) **Generally.** Any party opposing a motion shall file a response and supporting documents as are then available. The response must contain a concise statement of the reasons for opposition to the motion and citations of the legal authorities on which the party relies.

(2) **Time Limits.** A response to a dispositive motion shall be filed not later than 14 days after the filing of the motion. A response to a nondispositive motion shall be filed not later than 7 days after the filing of the motion. If there is no response filed within the time period prescribed by this rule, the court may grant the motion as unopposed.

(3) **Page Limits.** Unless otherwise authorized by the court, a response to a dispositive motion is limited to 20 pages and a response to a nondispositive motion is limited to 10 pages. These page limits are exclusive of the caption, signature block, any certificate, and accompanying documents.

**(f) Replies.**

(1) **Generally.** A party may file a reply in support of a motion. Absent leave of court, no further submissions on the motion are allowed.

(2) **Time Limit.** A reply in support of a motion shall be filed not later than 7 days after the filing of the response to the motion. The court need not wait for a reply before ruling on a motion.

(3) **Page Limits.** Unless otherwise authorized by the court, a reply in support of a dispositive motion is limited to 10 pages and a reply in support of a nondispositive motion is limited to 5 pages. These page limits are exclusive of the caption, signature block, any certificate, and accompanying documents.

**(g) Proposed Orders.** A proposed order shall be filed with all nondispositive motions. When a motion is one that requires a proposed order, any response to the motion shall also be accompanied by a proposed order.

**(h) Oral Hearings.** A movant or respondent may request an oral hearing. The allowance of an oral hearing is within the sole discretion of the court.

**(i) Conference Required.** The court may refuse to hear or may deny a nondispositive motion unless the movant advises the court within the body of the motion that counsel for the parties have first conferred in a good-faith attempt to resolve the matter by agreement and, further, certifies the specific reason that no agreement could be made. Movants are encouraged to indicate in the title of the motion whether the motion is opposed. A motion is

unopposed only if there has been an actual conference with opposing counsel and there is no opposition to any of the relief requested in the motion.

**(j) Claims for Attorney's Fees.**

(1) Unless the substantive law requires a claim for attorney's fees and related nontaxable expenses to be proved at trial as an element of damages to be determined by a jury, a claim for fees shall be made by motion not later than 14 days after entry of judgment pursuant to Federal Rule of Civil Procedure 54(d)(2) and pursuant to the following provisions. Counsel for the parties shall meet and confer for the purpose of resolving all disputed issues relating to attorney's fees prior to making application. The application shall certify that such a conference has occurred. If no agreement is reached, the applicant shall certify the specific reason why the matter could not be resolved by agreement. The motion shall include a supporting document organized chronologically by activity or project, listing attorney name, date, and hours expended on the particular activity or project, as well as an affidavit certifying (1) that the hours expended were actually expended on the topics stated, and (2) that the hours expended and rate claimed were reasonable. Such application shall also be accompanied by a brief memo setting forth the method by which the amount of fees was computed, with sufficient citation of authority to permit the reviewing court the opportunity to determine whether such computation is correct. The request shall include reference to the statutory authorization or other authority for the request.

(2) An objection to a motion for attorney's fees shall be filed on or before 14 days after the date of filing of the motion. If there is no timely objection, the court may grant the motion as unopposed.

(3) A motion for award of attorney's fees filed beyond the 14 day period may be deemed untimely and a waiver of entitlement to fees.