

1 MOVING PARTY INFORMATION

2 _____
Name

3 _____
Address Telephone

4 IN THE JUSTICE COURT
[CIVIL] [SMALL CLAIMS] [CRIMINAL] DIVISION
5 YELLOWSTONE COUNTY, MONTANA
BEFORE JUDGE _____

6 _____

7 _____
PLAINTIFF(S) NAME(S)
VS

Case No.: _____

8 MOTION
(Check the box that applies)

9 _____
DEFENDANT(S) NAME(S) TO CONTINUE TRIAL OR HEARING
 OTHER

READ THE INSTRUCTIONS

10 Comes now _____, a [plaintiff][defendant] in
11 the above captioned action and moves the court as follows:

12 To continue the [trial] [hearing] set for _____

13 I have contacted the opposing party or counsel to this
action. The opposing party or counsel [does] [does not]
object to the continuance.

14 I have not contacted the opposing party or counsel to this
action. I have served a copy of the motion for continuance
upon the opposing party or counsel to this action.

15 I request the continuance for the reason: _____

16 _____

17 _____

18 Other Describe your motion: _____

19 _____

19 I make the motion for the reason: _____

20 _____

21 _____

21 Dated: _____, 20

22 _____
Signature of Moving Party

23 CERTIFICATE OF SERVICE

24 I do hereby certify that the undersigned did serve by
first class mail a copy of the above MOTION on the parties on _____, 20
25 addressed as follows:

_____ Signature of Moving Party

INSTRUCTIONS

HOW DO I FILE A MOTION?

1. First contact the opposing party or opposing attorney to see if there is opposition to the motion. Indicate in your motion the result.
2. Complete the motion form on the front side.
3. Read the rules concerning motions.
4. You must file a supporting brief for your motion within 5 days. In your motion explain the reason for your motion. This will constitute the supporting brief required under Rule 6. Failure to support your motion is deemed an admission that the motion is without merit. This may result in a summary ruling denying your motion.
5. File your motion with the clerk of justice court. Send a copy of your motion and brief to the opposing party. A certificate of mailing to the opposing party or opposing attorney must be filed with the court

DO I HAVE TO REPLY TO A MOTION?

1. Yes. Read the rules concerning motions.
2. File a reply brief with the court. A written statement of why you oppose the motion will constitute the reply brief.
3. Failure to file a reply brief to the motion within 10 days is deemed an admission that the motion is well taken. This may result a summary ruling granting the motion.
4. Send a copy of your reply brief to the opposing party. A certificate of mailing to the opposing party must be filed with the court.

RULES CONCERNING MOTIONS

Rule 6 UJ&CCR
Motions.

(a) All motions or application for orders in civil or criminal cases must be made in writing as required by Rule 9 of the Montana Justice and City Court Rules of Civil Procedure. This rule does not apply to motions made during the progress of a trial.

(b) At the time of filing the motion, there shall be filed supporting affidavits or documents, if referred to in the motion or notice of motion.

(c) Failure to file briefs may subject the motion to summary ruling. Failure to file a brief within five days by the moving party shall be deemed an admission that the motion is without merit. Failure to file an answer brief by the adverse party within ten days shall be deemed an admission that the motion is well taken. Reply briefs are optional and failure to file will not subject a motion to summary ruling.

(d) The court may order oral argument on the motion.

(e) Unless oral argument is ordered, or unless the time is enlarged by the court, the motion is deemed submitted at the expiration of the applicable time limits.

(f) The requirement of a brief is fulfilled by a written statement or summary setting forth the facts and basis of the motion. The brief may be made a part of or attached to the motion.

Rule 9 MJCCRCivP
Motions and other papers.

A. APPLICATION. An application to the court for an order must be by motion, which, unless made during a hearing or trial, must be in writing. A motion must state with particularity the grounds for the motion and must set forth the relief or order sought. The requirement of writing is fulfilled if the motion is stated in a written notice of the hearing on the motion.

B. OPPOSITION. Any party opposing a motion must do so in writing within 10 days of service.

C. GENERAL RULES. The rules applicable to captions, signing, and other matters of form and the method and proof of service of pleadings apply to all motions and other papers provided for by these rules.

Rule 18 MJCCRCivP
Continuances.

(a) A continuance or resetting of a trial or hearing may be granted upon a showing of good cause. The motion for continuance must be made in writing and served upon the opposing party or counsel.

(b) No continuance will be granted if not timely made. A continuance will not be granted if a party appears at the time set for a hearing or trial unprepared.

(c) A continuance will not be granted except for good cause, without timely notice given to all parties.