STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

NEWPORT, SC. **SUPERIOR COURT**

CIVIL MOTION CALENDAR

AMENDED ORDER
EFFECTIVE January 24, 2017

DISPOSITIVE MOTIONS/NON-DISPOSITIVE MOTIONS

UNTIL FURTHER ORDER OF THE COURT, THE FOLLOWING PROCEDURES MUST BE OBSERVED WHEN E-FILING DISPOSITIVE OR NON-DISPOSITIVE MOTIONS: The order filed on January 3, 2017 is vacated.

The Calendar

Dispositive motions (i.e., motions for summary judgment filed pursuant to R.I. Super. Ct. R. Civ. P. 56 or motions to dismiss e-filed pursuant to R.I. Super. Ct. R. Civ. P. 12(b) or (c) are heard the first Monday of the month (excepting holidays). If a Motion Day falls on a legal court holiday, the Motion Calendar will be heard the following business day. The Motion Calendar is called promptly at 9:30 a.m. in Courtroom 4, 2nd Floor, Florence Murray Judicial Complex, 45 Washington Square, Newport, RI (or in such other courtroom as may be designated).

DISPOSITIVE MOTIONS

Assignment and Filing of Dispositive Motions

Dispositive motions shall be e-filed ***no later than thirty (30) days prior to the hearing.*** The assignment of dispositive motions is made by the Clerk.

To obtain a date for hearing of a dispositive motion, the moving party must contact the civil courtroom clerk to obtain the next available date and *e-file the following documents at the time of application for a hearing date:* (1) an omnibus calendar assignment form; (2) the motion; (3) supporting memorandum of law; and (4) all supporting documents (i.e. pleadings, depositions, answers to interrogatories, responses to requests for admission or affidavits).

Duplicate paper copies of the motion, supporting memorandum of law and supporting documents must be forwarded to the judge at the time of e-filing. The duplicate copy of the memorandum, which is for the trial justice's use shall have attached to it copies of significant cases principally relied upon by the moving party. Counsel shall direct the Court's attention to relevant portions of those cases by marginal brackets or underscoring.

THE MOTION WILL NOT BE ASSIGNED FOR HEARING UNLESS ALL OF THE ABOVE ARE PROVIDED AT THE TIME OF E-FILING THE APPLICATION FOR A HEARING DATE.

The clerk will complete the omnibus form by assigning a date for hearing upon electronic receipt of the above documents.

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DISPOSITIVE MOTIONS (CONTINUED)

The omnibus form, this Order, motion, memorandum and all supporting documents, shall be e-served immediately on opposing counsel, or mailed to the party(ies) directly if not represented by counsel.

Objections to Dispositive Motions

Objections to dispositive motions should be e-served and e-filed promptly, and ***not later than fourteen (14) days prior to the scheduled hearing date.*** The objection must be accompanied by a supporting memorandum of law and all supporting documents, if any (i.e., pleadings, depositions, answers to interrogatories, responses to requests for admission or affidavits). A duplicate copy of the objection, supporting memorandum, and any supporting documents, which is for the trial justice's use, must be delivered to the clerk no later than fourteen (14) days prior to the scheduled hearing. The duplicate copy of the memorandum shall have attached to it copies of significant cases principally relied upon in support of the objection. Counsel shall direct the Court's attention to relevant portions of those cases by marginal brackets or underscoring.

Reply memoranda and any supplemental filings should be e-served and e-filed no later than seven (7) days prior to the scheduled hearing date.

Non-compliance with Order

Dispositive motions that are not e-filed in accordance with this Order will not be heard by the Court.

Responses that are not e-filed in accordance with this Order will not be considered by the Court at the time of hearing.

Requests for Continuance/Withdrawal of Motions

Requests for continuances may be arranged through the clerk up to **14 days** prior to the assigned hearing date.

Requests for continuances made **less than 14 days** prior to the assigned hearing date will be granted only by special permission of the motion calendar justice. Because of the time commitment required for the Court to prepare for hearings on dispositive motions, requests for continuances will not be given, absent a compelling reason. Requests for continuance on the date of the hearing are disfavored and will be granted only for the most compelling reasons. (N.B. "We are discussing settlement." is not a compelling reason). If a continuance is granted, it will be to the next available dispositive motion date depending upon the number of previously scheduled motions.

If a case in which a dispositive motion is pending is **settled**; or if a moving party elects to **withdraw or pass** the motion, the motion calendar justice should be notified as far in advance of the assigned hearing date as is possible so that the Court can avoid unnecessary work.

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IN CASES WHEREIN THE MOVING PARTY E-FILES A RULE 41 MOTION TO DISMISS BASED UPON THE EXPIRATION OF FIVE YEARS WITHOUT ACTIVITY IN SAID FILE AND THE CASE WAS FILED PRIOR TO THE IMPLEMENTATATION OF THE ELECTONIC FILING, IT IS THE RESPONSIBILITY OF COUNSEL FOR SAID MOVING PARTY TO MAKE ARRANGEMENTS WITH THE CLERKS' OFFICE TO HAVE THE FILE AVAILABLE ON THE DATE SET FOR THE HEARING OF THE MOTION.

NON-DISPOSITIVE MOTIONS

Whenever counsel elect to file a supporting memoranda of law on this calendar, the memoranda shall be e-filed with the hearing date clearly printed or typed on the top of the first page above the caption of the case no later than ten (10) days before the date scheduled for hearing. Duplicate paper copies of memoranda shall be provided for the Judge's use.

The reply memoranda shall be e-filed with the hearing date clearly printed or typed on the top of the first page above the caption of the case no later than five (5) days before the hearing date.

NOTE: Proposed Orders submitted and e-filed by agreement of the parties shall clearly so delineate in the body of the Order. All orders shall include the hearing date.

ENTERED:

Brain Van Couyghen
Associate Justice
January 24, 2017

BY ORDER:

Jane M. Anthony
Clerk